

# Notable British Trials

George Joseph Smith

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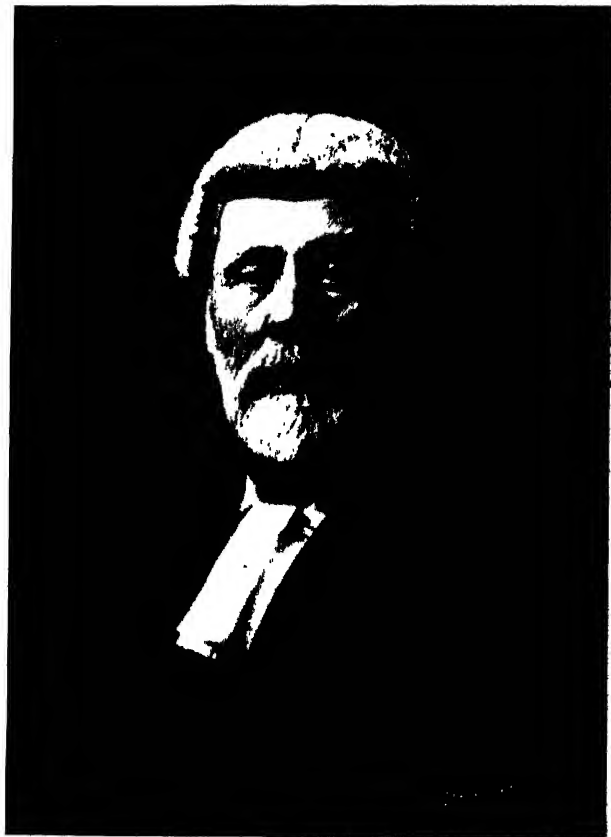
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**Mr. Justice Scrutton.**

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# Trial of George Joseph Smith

EDITED BY

Eric R. Watson, LL.B.

Author of "Eugene Aram: His Life and Trial,"; Editor of the  
"Trial of Thurtell," &c.; a Member of the Medico Legal Society

δολοφώνου Ἀέθης τῆχαν σο, λίγω.  
Aeschylus ΚΑΣΑΝΔΡΑ

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To  
ARTHUR NEIL  
SUPERINTENDENT OF POLICE, C.I.D.  
SCOTLAND YARD  
TO WHOSE UNTIRING EFFORTS THE CONVICTION  
OF SMITH WAS MAINLY DUE  
THIS VOLUME  
IS  
WITH HIS PERMISSION  
DEDICATED  
BY  
THE EDITOR



## PREFACE.

THE trial of George Joseph Smith is without a parallel in the history of crime in any age or country. The singularly revolting means by which the murderer accomplished the destruction of his victims, the spectacle of Justice, in all its pomp and circumstance, solemnly deciding whether one transparently worthless man should live or die at a time when the war claimed a daily holocaust from among the youngest and bravest of the manhood of Britain, the novelty of the questions of forensic medicine, the complexity of the evidence given by some 120 witnesses, twice as many as were needed to establish the guilt of Palmer—all combine to make this a notable trial indeed. A shrewd American lawyer, after a few weeks spent in observing our Courts, said, "British justice! It's dear, but it's prime!" And certainly we may, I think, regard with complacency this patient and costly investigation, pursued day after day at such a period.

I have to thank numerous people for their assistance in preparing this volume; firstly, the Right Honourable Lord Justice Scrutton, for the loan of his photograph and for the favour of his views on the medico-legal issues; Sir Archibald Bodkin, for the loan of his photograph; Sir Edward Marshall Hall, for the loan of his copy of the shorthand notes and for some autograph memoranda by the murderer; Mr. Montague Shearman, for like benefits, and the loan of much correspondence not actually put in as exhibits.

Dr. Bernard Spilsbury has most kindly revised all the medical evidence, and has assisted me as to certain gynecological and pathological matters, respecting the illnesses and deaths of the "brides." Mr. Neil has placed all the Scotland Yard material at my disposal, and Detective Inspector Page has very kindly lent me his photographs bearing on the case. Detective Inspector Grose has also rendered me assistance in presenting the manner in which the police worked up the case. The clerk attached to room 93, C.I.D., has also laid me under obligations by visiting me with dockets and documents from the "Yard." If one has any regrets at publishing so infamous a story of crime, the main one is that the ease with which murder may be thus accomplished may lead others to emulate Smith's example. Indeed, the Egyptian police have reason to believe that in

a certain city in Egypt in 1909 a certain husband anticipated the methods of the subject of this study.

Since the completion of my introduction the principles of criminal evidence in cases where system is alleged have again been discussed. In an address I delivered before the Medico-Legal Society in London on 30th May I pointed out that the decision in Armstrong's case, where there was a case for conviction without the evidence as to Martin, did nothing to clear up the matter left in doubt in Smith's case, viz., whether evidence of facts showing system is admissible to establish a case which, without it, is not even a *prima facie* case.

ERIC R. WATSON.

June, 1922.

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He did not pass in purple pomp  
Nor ride a moon white steed,  
Three yards of cord and a sliding board  
Are all the gallows need:  
So with rope of shame the herald came  
To do the secret deed.

We waited for the stroke of eight,  
Each tongue was thick with thirt;  
For the stroke of eight is the stroke that  
That makes a man a sot,  
And Fate will use a running noose  
For the best man and the worst.

## INTRODUCTION.

### I.

#### A Narrative of the Life and Crimes of George Joseph Smith.

GEORGE JOSEPH SMITH, the most atrocious English criminal since Palmer, was born on January 11, 1872, at 92 Roman Road, Bethnal Green, his father being George Thomas Smith, an insurance agent, and his mother Louisa Smith, *née* Gibson. The son early displayed criminal tendencies, and seems to have been sent to the reformatory at Gravesend at the tender age of nine, remaining there till he was sixteen (statement of Mrs. Love, Lewes, Oct. 11, 1899).

When he left the reformatory he went to live with his mother, but he speedily took to evil courses, and got seven days for a small theft. That would be about the year 1890. On February 7, 1891, he was sentenced to six months' hard labour at Lambeth Police Court, in the name of George Smith, for stealing a bicycle. He stated to Miss Thornhill, his only lawful wife, that he served three years in the Northamptonshire Regiment, and he referred to a service with it to Sergeant Page on his arrest, while to the witness Crabbe he referred in vaguer terms to a period of military service, when he was a gymnasium instructor. The police attach little importance to this supposed devotion to Mars. What is incontrovertible is that

## George Joseph Smith.

on July 24, 1896, he received twelve months' hard labour at the North London Sessions for larceny and receiving—three cases in all—in the name of George Baker. At this time he was known to the police as the associate of a woman unknown, whom he placed in various situations and induced to steal for him.

After coming out of prison, he proceeded to Leicester, where he opened a baker's shop at 28 Russell Square. While residing there he met, towards the end of 1897, Caroline Beatrice Thornhill, and, after a short acquaintance, during which he suggested cohabitation without marriage, married her on January 17, 1898, at St. Matthew's Church, her relatives, who strongly disapproved of the bridegroom, not attending the ceremony. His bride had previously been a friend of a girl he employed in his shop, and she was only eighteen or nineteen years of age at the time. On this occasion Smith gave the name of George Oliver Love, and described his father as a detective of the name, of George Love. The business failed in about six months. "Mrs. Love" went to a cousin in Nottingham, where "Mr. Love" pursued her.

Bringing "Mrs. Love" with him to London, he forced her to take various situations in London, for which he supplied the reference—posing as her late employer. He himself did no work. He also obtained situations for her at various places on the south coast, such as Brighton, Hove, and Hastings. At the last-mentioned resort the unhappy "Mrs. Love" fell into the hands of the police. Without going into particulars, it suffices to say that Smith succeeded in making his escape for a while from the clutches of the law, only, however, to be arrested in London on November 11, 1900, on a charge preferred by his wife, whereupon he was taken to Hastings, and on January 9, 1901, two days before his twenty-ninth birthday, he was sentenced to two years' imprisonment, with hard labour, for receiving stolen goods. He remained in durance until October 10, 1902, when he was released, and he was next heard of in Leicester trying to find "Mrs. Love," but he did not succeed, her brothers chasing him out of the town. "Mrs. Love" had reason to fear for her safety if she remained anywhere within the reach of her George, and she accordingly left the country, taking ship to Canada, where she continued to dwell, except for a brief visit to Leicester in 1912 and 1913, until summoned back to England by the Scotland Yard authorities in 1915.

Smith was not, however, without a second wife, even at this early stage. Partly for the gratification of his strong animal pro-

## Introduction.

pensities, and even more because he much preferred to exploit women rather than work for himself or them, he had availed himself some time during 1899 of a temporary absence from his Beatrice to cast his basilisk glances over Miss —, a very respectable and industrious boarding-house keeper in the metropolis. He went through a ceremony of marriage with her in 1899 at the registry office, St. George's, Hanover Square.\* From time to time he would return to her, demanding money of her, and sometimes showing her large sums of gold, for the possession of which he would account as later he did to Miss Pegler. I shall recur to his relations with this unhappy woman in the concluding part of my Introduction. Her last glimpse of Smith was through a grating looking out upon the exercise yard at Pentonville Prison, where her "husband," his sentence of death confirmed by the Court of Criminal Appeal, was in utter despondency pacing up and down, awaiting his removal to the gaol of Maidstone, the place appointed for him to expiate his iniquities.†

Some time in 1908, in the name of George Love, he got some very subordinate employment in a West-End club; he seems to have been dismissed for inefficiency, so far as can be judged from a letter written when awaiting his trial for murder in Brixton Prison in 1915. This letter, characteristic for its vile grammar and spelling, its incoherence, and its braggart assumption of "my marked love of poetry and the fine arts," begged a favourable statement from the steward.

In June he was in Brighton, and he encountered on the front Mrs. F. W., a widow. He gave the name of George Joseph Smith, posed as a man of means, and pursued Mrs. W. to Worthing, where she was employed. The usual proposal of marriage followed; "he insisted on seeing my bank book." The amount was £33 13s. He professed to be a dealer in antiques; they remained at Worthing about three weeks, and the lady made arrangements to withdraw her balance. She introduced him to a Mrs. M——, a friend, but that lady took an instant and violent dislike to the antique dealer. On July 3 the happy pair went to Camden Town Post Office to withdraw the money. Smith would have appropriated

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\* The office is in Prince's Row, Buckingham Palace Road.—E.R.W.

† The identification of Smith by this woman is confirmed in a letter to me from the prison governor, dated 28/6/21. The chaplain, who attended Smith at Maidstone, stated in an article in the *Weekly Dispatch* of December 4, 1921, that the woman withdrew her identification, but this appears to rest only on Smith's unsupported statement, and is at variance with my information.—E.R.W.

## George Joseph Smith.

the lot, but Mrs. W. left in £3 13s.; so £20 in gold and two £5 notes were placed on the counter and snatched up by Smith. "He knew I had no pocket," said Mrs. W.

The usual inexpensive jaunt followed—this time to the White City—the usual excuse to leave the inamorata, the usual speedy return to the apartments, and the usual lying note about forwarding the box on. The total value of Mrs. W.'s belongings that Smith took was about £80 to £90 (statement to Inspector Neil, 26/2/15).

Now was about to begin the one romance of this sordid life. Smith, with Mrs. W.'s money and effects, went to Bristol, where he set up a small shop at 389 Gloucester Road as a second-hand furniture dealer. At 368, in the same road, dwelt Edith Mabel Pegler with her mother. On July 1 she advertised for a situation as housekeeper, where a servant was kept. Smith replied to her advertisement, and she speedily consented to keep house for him, although he was not in a position to afford a servant. After a week's acquaintance, Smith had so captivated Miss Pegler's maiden heart that she consented to be his, although his means were very nebulous—a mythical aunt who allowed him money, and "that he went about the country dealing." The marriage was solemnised at St. Peter's Registry Office, Bristol, on July 30, by special licence, Smith being married for the first time in his real name, describing himself as thirty-three years of age, a bachelor and general dealer, son of George Smith, deceased, figure artist [exhibit 162].

Smith's relations to the only woman to whom he did not behave with inhuman cruelty, although to her he lied and to her begrudged the smallest sums of his ill-gotten wealth, sufficiently appear from her evidence at the trial. Two matters may here be noted, however. He gave poor 'Alice Reavil's\* modest trousseau to his Edith, saying he had been doing a deal in ladies' second-hand clothing. And it appeared from Miss Pegler's first statement to the police, taken by the late Detective-Inspector Cole and Sergeant Page at Bristol, that Smith only once during all the years she knew him had a bath, at Weston-super-Mare, and that he had never inquired at any of their various apartments for a bath, and that he had more than once remarked to her that he did not believe in using baths in apartment houses which other people had access to. At the trial, it will be noted, under the encouraging suggestions of Mr. Marshall Hall,† she

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\* She was called at the police court; but not at the trial. Her statement is stated in substance at p. 21 of this Introduction.

† Now Sir Edward Marshall Hall.

## Introduction.

was disposed to magnify somewhat the passion which ranks next to godliness, so far as it moved Mr. Smith.

About June, 1909, Smith was in Southampton with Miss Pegler, and using his customary licence of wandering forth o' nights without her, he encountered Miss S—— A—— F——. Posing as George Rose, bachelor and dealer in antiques, he laid immediate siege to her heart, but for a time they did not meet. In October he renewed his protestations; after a fortnight, during which he made play with the mythical monied aunt and mysterious resources in the bank, of which, needless to say, Miss F—— saw nothing, she capitulated, and they were married on October 29 at the local registry office by special licence. The rest of Miss F——'s story is soon told.

They took the train to Clapham Junction, and put their belongings in the cloakroom, while they went to find apartments. "Mr. Rose" knew that his inamorata had £50 in cash before he married her, and he lost little time in ascertaining the full extent of her resources; he looked at her bank book whilst she was unpacking, and was delighted to find that she was worth £260, without including about £30 of Government stock. By 2nd or 3rd November the whole £260 in notes and gold—he had asked for it all in gold—was in Mr. Rose's possession—he denying to his yielding bride the price of a taxi fare. She had already given him the £50. On November 5 the proceeds of the sale of the Government stock were handed over to Mr. Rose in his wife's presence, and, having now acquired everything but what she stood up in, the antique dealer and picture restorer was moved by a very natural desire to expand his bride's mind (as he was soon to enlarge her knowledge of human nature) by taking her to the National Gallery. Here, by a coincidence which befell him again in Miss Reavil's case, Mr. Smith was obliged to retire and leave his submissive lady, promising to return in a moment. He did return—to their lodgings, where he packed up every stitch of clothing the poor, deceived, and betrayed girl possessed, and when, after waiting an hour at the Gallery, she returned to their apartments, she found only three empty boxes and his cycle, which was left in the cloakroom. As in Miss Reavil's case, he sent a lying letter and a further registered letter. Miss F——, with but a few pence left in the world, went to a friend's house for the night, and never saw Mr. Rose again until he was in custody on a charge of murder, on April 24, 1915.

Smith, true to his invariable practice, now rejoined Miss Pegler, he writing to her to meet him at Southend. On November 16 he invested £240 of Miss F——'s fortune in buying 22 Glenmore Street,



## George Joseph Smith.

Southend, the price of which was £270, £30 remaining on mortgage. During his visit to the Gallery he had doubtless gazed at the masterpieces of our greatest land and seascape painter, and he told his confiding Edith that the funds he had so surprisingly become possessed of represented a fortunate deal in a seascape by Joseph Mallord William Turner.

After leaving Southend, the Smiths went to Ashley Down Road, Bristol, where he resided, maintaining himself on further loans until September 2, 1910, when the amount owing was about £93. He was still borrowing on the Southend house, for he sent a receipt for a loan received from the Woolwich Equitable Building Society, from which he had purchased the property. For particulars of these transactions the reader is referred to W. J. Masterson's evidence.

Smith was now nearing the end of his resources, and he proceeded to search for another dupe. In the neighbourhood of Clifton—perhaps in those charming Leigh Woods dear to the memory of every old Cliftonian—he encountered Beatrice Constance Annie Mundy. She was the daughter of a deceased bank manager, and was at the time thirty-three years of age. Soon after her father's death her relatives persuaded her to execute a voluntary settlement of her property acquired under her father's will. Particulars of this settlement will be found in Ponting's deposition and Annesley's evidence. Here it may be said that her fortune amounted to some £2500 in gilt-edged securities. Smith soon won Miss Mundy's confidence and affection, and they became engaged after a few days' acquaintance. He arrived on August 22 with Miss Mundy at 14 Rodwell Avenue, Weymouth, where they took two rooms, and on the 26th they were married at the registry, he giving the name of Henry Williams, thirty-five, bachelor, picture restorer, son of Henry John Williams, commercial traveller. Miss Mundy, of course, gave correct particulars.

"Mr. Williams" was prompt in discovering that his bride received her income monthly from her trustees at the rate of £8 a month, and that there was due her some £138, which they retained in hand to meet emergencies. On the very wedding day we find him instructing Mr. Wilkinson, solicitor, of Weymouth, to write to Mr. Ponting, the Mundy family solicitor, of Warminster, for a copy of the late bank manager's will. He then discovered the existence of the settlement, which protected the *corpus* of the property from his grasp; but still he could secure the £138, and he took the most energetic steps to obtain it. These steps appear in the evidence

## Introduction.

of Messrs. Wilkinson and Eaton, and in the deposition of Mr. Ponting, put in after his death, before trial. To put it shortly, by September 13 he got possession of all the accumulated arrears in gold, less about £3 for Mr. Eaton's professional charges. He at once absconded, leaving Miss Mundy penniless and almost without clothing, and he wrote her the cruel and disgusting letter which will be found in the evidence of Mrs. Crabbe, the landlady.

He returned to Miss Pegler, and, as will be seen from Master-son's evidence, he arranged to pay off his debt to the Equitable, writing from Ashley Down Road, and on September 21 he called at the office and paid off the £93 mortgage. To account for his absence at Weymouth he told his faithful Edith that he had "been to London and round the country." The pair did not stop long at Bristol, but moved to an address in Southend—not Glenmore Road—where they took premises and set up a small antique and general dealer's shop. There they remained for about four months, going thence to Barking Road, to Waltham-stow, and once more to Bristol, Smith carrying on in each place the same sort of business in antiques. It was early in 1912 that they set up in Bristol, at Bath Road, Brislington.

For seven weeks life ran on uneventfully for Miss Pegler, when her husband began to show symptoms of restlessness. He said he would go to London and round the country dealing. He accordingly left her, with very little money, to run the small shop during his five months of absence, writing on the few occasions when he did write from the Woolwich Equitable Society's address. As Smith did not support her—he sent her only £2 in five months—and the business was not a thriving one, Miss Pegler sold it for a few pounds—about £5—and returned to her mother at 102 Ashley Down Road. When she next saw her husband she beheld the murderer of Beatrice Mundy (Pegler's statement at Bow Street, 20/4/15).

By what the police believe to be the only genuine coincidence in the case, the errant footsteps of Smith took him in March to Weston-super-Mare, where Beatrice Mundy had been stopping since February 2 at the house of Mrs. Tuckett, a boarding house named Norwood. I will give the story of the reunion of "Mr. and Mrs. Williams" in Mrs. Tuckett's own words. On March 14 Miss Mundy went out about eleven to buy some flowers for Mrs. Tuckett, who expected her back in half an hour. She in fact returned at one. "She said"—I quote Mrs. Tuckett—"as soon as she went out she found her husband looking over the sea. She was very excited." At three he arrived. I shall dwell later on the instantly unfavourable impres-

## George Joseph Smith.

sion he made on Mrs. Tuckett. The following passage is from her examination-in-chief :—

Mr. BODKIN\*—After these questions that you put to the prisoner did he leave?

Mrs. TUCKETT—I told him it was my duty to wire to her aunt.

Mr. BODKIN—And did he remain in the house that night?

Mrs. TUCKETT—Oh, no. She went with him. She said, "I suppose I may go with my husband." I said, "I cannot hold you back, you are 30!" She was over 30; 31 or 32. She left with him. She never took anything with her. In fact she had promised me to come back that night. I did not see her again.

Apparently it was not only the good Mrs. Tuckett who read the sinister mind of the man, for in the letter of March 15 (exhibit 64) he refers to the "heated arguments which would have occurred if my wife and self had to face you and your friends this evening."

Incidentally he bilked Mrs. Tuckett of about £2 10s., but any annoyance she felt at this was probably removed by the compliment the judge paid her at the Central Criminal Court three years later.

Mr. JUSTICE SCRUTTON†—I am obliged to you, Mrs. Tuckett, for the clear and audible way you have given your evidence.

The next move of "Mr. Williams" was to get into touch with his wife's relations—with a view to an ostensible reconciliation and the extraction of more money. He accordingly dragged the submissive lady to the office of Mr. Lillington, of Messrs. Baker & Co., solicitors, of Waterloo Street. The visit was paid on the very day of the apparently accidental meeting! With extraordinary effrontery, Mr. Williams proceeded, in his wife's hearing, to give a totally untrue account of the circumstances under which he had decamped with her money in August, 1910. He professed, too, to have "borrowed" £150 from her to repay a loan, and, on the solicitor's suggestion, he gave his wife a note for that sum, with interest at 4 per cent., and Mr. Lillington, on the instructions of husband and wife, wrote the letter (exhibit 61) which will be found in his evidence. Mr. Lillington, perceiving that Mr. Williams was doing all the talking and that the wife was "in an assenting demeanour," challenged her as to the truth of every one of the husband's statements, and in every instance she confirmed them. He strongly advised her to send the promissory note to her uncle, but, of course, Mr. Williams frustrated any such intention. When Mr. Lillington saw them for

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\* Now Sir Archibald Bodkin.

† Now Lord Justice Scrutton.

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the second and last time on March 16, Mrs. Williams still had the note at their lodgings—and it never turned up again.

Leaving Weston-super-Mare, this singular couple travelled about, staying at lodgings in different towns, and late in May they left Ashley and came to Herne Bay. Here, on May 20, "Bluebeard of the Bath," as Mr. George R. Sims has dubbed him, walked into the house of Mr. F. H. Wilbee, J.P., of that town, a considerable owner of small house property there. Within that house was a little office, where, at rather a high desk, there sat and had been sitting for thirty-six and a half years—not thirty-five years, Mr. Bodkin—Miss Carrie Esther Rapley. He did not know it—this cheap *accapareur de femmes* with the appearance of a butcher and the breeding of a scavenger—but he had met one of those women, and there were several in the case, whose feminine instinct, like the protective antennæ of insects, warned them that here was a dangerous man. Miss Rapley was not a young woman, but because she was a woman, Smith, without any friendships or even acquaintanceships among men, immediately proceeded to become expansive. I will let her admirably clear evidence speak for itself, only regretting that I cannot give it word for word. She becomes suspicious at the first interview. She asks for a banker's reference, and he produces a Savings Bank book. She asks to see it; he puts it back in his pocket. He is evasive about his means; but his wife has money. "I might just as well tell you she is a notch above me," and he grows more expansive. In the end he takes the house he had come to inquire about, 80 High Street, on a yearly tenancy, at £18 a year, rent payable monthly. The agreement (exhibit 7) calls for little comment; it was, however, a yearly tenancy; Mr. Williams wanted a monthly one, and he gave up the house, after paying two months' rent in advance, the second payment being at that singular interview with Miss Rapley which we shall come to later.

It will be recalled that soon after the marriage Mr. Williams became aware of his wife's voluntary settlement; he had already obtained a copy of this about September 5, 1910, but he obtained another later, through her, about June 10, 1912, and this he brought to the office of Mr. Annesley, solicitor, of Herne Bay, on June 18. That he was in need of raising money at once appears from the evidence of Mr. Hudgell, clerk to the Woolwich Equitable's solicitor, who produced exhibit 132, wherein was a letter asking for the money due on the sale of the Southend house, "as it is very urgently required"; the letter bore date May 12. A copy of the voluntary

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settlement was laid before Mr. G. F. Spear, of the Inner Temple, to advise. Mr. Williams, in short, wanted to know how he could get hold of the *corpus* of the wife's property. The trustees were very unlikely to consent to a revocation of the settlement in the circumstances; they were far from unlikely to exercise their discretion in buying the wife an annuity; if she died intestate, her estate would go to the next-of-kin under the Statute of Distributions, and the husband would get nothing; but if she, with £2500, left a will in his favour, and he, without a shilling, executed a similar will in her favour, and she died? Counsel's opinion came back on July 2; it was Bessie Mundy's death warrant.

The mutual wills were drawn up by Mr. Annesley and executed by the parties on July 8. Next day Mr. Williams came to the shop of Mr. Hill, ironmonger, and "cheapered" a £2 bath down to £1 17s. 6d.; he did not pay for it, but returned it on July 15. Its dimensions were later carefully taken by Detective-Inspector Neil. It may here be said that it had no taps or fixings at all; it had to be filled and emptied by hand, and the inspector found exactly how many pails would be needed and how long it would take to carry them from the kitchen to the fatal room in order to fill that bath.

On the next day after that purchase Mr. Williams took his wife to Dr. French, who had been qualified about two years, and had set up in practice at Herne Bay, saying that she had had a fit. Being unaware of the symptoms of epileptic or any other fits, Mr. Williams prudently forebore to enter into particulars, and Dr. French put him "leading questions," which enabled him to recall just what the doctor suggested and no more—limbs twitching, jaws moving, and so on; there was no suggestion of the dreadful scream which almost invariably heralds an epileptic seizure (as distinct from the *petit mal*), and Mr. Williams said no word about a scream. The doctor prescribed bromide of potassium, a useful general sedative, a specific in epilepsy and an anaphrodisiac. In answer to the doctor's questions, Mrs. Williams did not recollect anything about a fit; she had never had any, and only complained of a headache.

On Friday, July 12, Williams fetched Dr. French to see his wife in bed. The doctor saw nothing amiss, except that her hands were clammy, the weather being very hot, heart normal, tongue not very clean, face a little flushed; she looked like one awakened from sleep on a hot night. The doctor prescribed more bromide. At 3 p.m. he saw the pair again, when Mrs. Williams looked "in perfect health"; she complained of nothing worse than lassitude, the

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weather being so hot. Before she went to bed that night she wrote the following letter to her uncle, which she registered. It was produced to him at the trial (exhibits Nos. 80 and 81).

Last Tuesday night I had a bad fit, and one again on Thursday night. It has left me weak and suffering from nerves and headache, and has evidently shaken my whole system. My husband has been extremely kind and done all he could for me. He has provided me with the attention of the best medical men here, who are constantly giving me medical treatment, and visiting me day night.

I do not like to worry you with this, but my husband has strictly advised me to let all my relatives know and tell them of my breakdown. I have made out my will and have left all I have to my husband. That is only natural, as I love my husband.

At 8 a.m. next morning—Saturday, July 13,\* Dr. French was handed a note. It ran, "Can you come at once? I am afraid my wife is dead." The doctor hurried round to 80 High Street and found the door ajar; he entered and went upstairs with Williams, and saw Mrs. Williams lying on her back in the bath. Particulars of her position will be found elsewhere in the Introduction, and in the evidence of Dr. French. Her head was beneath the water, and on removing her body the doctor found that the pulse had ceased to beat; the body was not yet cold, but all attempts at restoration proved useless. A square piece of Castile soap was clutched in the right hand. Williams assisted the doctor while he was trying artificial respiration by holding the woman's tongue, her false teeth having been removed. The face was dusky and congested with blood. Finding her beyond human aid, Dr. French left the house, and about 10 a.m. police constable Kitchingham arrived, and saw the body lying quite naked; he also saw the bath three parts full. He took a statement from Williams (exhibit 168) and went away. Williams now went out to arrange for the laying out of the body, and he first approached Mrs. Millgate, with whom he afterwards boarded, and who lived next door. She said that she was too busy to come, but at 2 p.m. she called at 80 High Street, and learning from Williams that the woman the doctor was to send had not come, she went upstairs with him. What then happened I give in her own words:—

Mr. BODKIN—What room did you go into?

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\* All three "brides" died on a Friday night or Saturday morning. Alice Burnham on Friday night, December 12, 1913, and Margaret Lofty on Friday night, December 18, 1914. The convenience of holding the inquest before the relatives could attend need hardly be pointed out.—E. R. W.

## George Joseph Smith.

Mrs. MILLGATE—The middle bedroom; and he said, "She is in there." He stayed outside on the landing and I went in, and I said, "In here." And I went in, and not seeing anything but the bath, I looked behind the door, and I saw Mrs. Williams lying on the floor quite naked.

Mr. BODKIN—Quite naked?

Mrs. MILLGATE—Yes; that gave me a great shock, and I started back and turned suddenly round and said, "Oh, dear, it is not covered over." And he looked frightened as I started back. Mr. Williams looked frightened as I started back.

Mr. BODKIN—Did you then cover the body up?

Mrs. MILLGATE—Yes; I went back again into the room, and I noticed she was lying on the edge of a sheet, and a lot of it was to her feet, and I picked it up and covered over the body. . . . I asked him to fetch me a pillow, just to put under her head, as her head was on the bare floor, and he said to me—

Here the witness, who was rather deaf, was interrupted, and she did not give his reply. In her evidence at the Police Court she spoke to seeing blood near the corpse's waist.\* The medico-legal aspect of this I shall deal with in Part II. Williams had early in the morning asked Mr. Millgate for "a few pieces of rag for the woman to wipe up some blood." Alice Minter, who actually laid out the body about 4 p.m., asked for "just the usual things—nightdress, brush and comb, bath sponge, and a towel."

Whatever the explanation of the blood, it was Williams who wiped it up.

Mr. Rutley Mowll, solicitor, of Dover, and coroner for East Kent, was informed of the death on the day it occurred by the police—probably by Kitchingham, who was coroner's officer. He was for holding his inquest forthwith, but he found the inquest could not be conveniently taken that day, so he gave directions to hold it at 4.30 p.m. on the Monday. The Mundy family had heard by wire from Williams of the death that Saturday morning, very shortly after receiving the last letter from Bessie, which has been set out. The wire ran, "Bessie died in a fit this morning; letter following.—Williams" (exhibit 82).

On the Monday exhibit 83 arrived; it was the letter set forth in Herbert Mundy's evidence. "Words cannot describe the great shock I suffered in the loss of my wife," wrote the bereaved husband. No word was breathed by him as to the holding of any inquest, nor as to the date of it. When Herbert Mundy next heard, "Crownor's

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\* "I saw a dark stain on the floor on a level with the woman's waist. At the time I thought it was blood." Mrs. Millgate at Bow Street, *Times*, 17 April, p. 4, col. a. On February 18, 1915, she said to Inspector Neil at Herne Bay, "I am almost sure there was some blood on the floor close to the body."

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Quest Law " had done its best—or worst—and Mr. Mowll, displaying, as he said, "more than ordinary perspicacity,"\* and having "taken very great care," and having "thoroughly and carefully thrashed out" the case, returned through his jury a verdict that "the cause of her death was that while taking a bath she had an epileptic seizure, causing her to fall back into the water of the bath and be drowned, and so the jurors say that the said deceased died from misadventure."

The more than ordinary perspicacity of the coroner enabled him to state that, "assuming the husband was fond of his wife—and there was no evidence to the contrary, but a great deal of evidence that he was—it was a terrible blight." (I may pause to remark that Mr. Williams had shed copious crocodile tears during the inquest, as next day he did over Miss Rapley's desk, but in the case of that shrewd lady the simulation of great grief was not successfully attempted.) Mr. Mowll went on to say that "a request had been made to have a *post mortem*, and if he had had the request earlier—he had it by the earliest possible moment the Mundy family could make it—he should then with an abundance of caution have requested the doctor to make an examination."

The first the Mundy family heard of any inquest was in a letter from Mr. Williams, dated July 15, the day of the inquest, running—

Dear Sir,—I hope you received my letter this morning. The result of the inquest was misadventure by a fit in the bath. The burial takes place to-morrow at 2 p.m. I am naturally too sad to write more to-day (exhibit 35).

On the Sunday, July 14, the dead woman's brother, G. H. Mundy, wrote two letters, one to Williams, the other to the coroner. They were substantially the same, but not identical, and the purport of them appears from Mr. Mundy's evidence. It was this, "As Bessie's brother, I must insist that, as she died so suddenly, a *post-mortem* examination must be held before she is buried, for the satisfaction of all the family. Please see that this is carried out."†

Whatever the minute discrepancies between Mr. Howard Mundy's letter to Williams and his letter to the coroner may have been, the coroner saw no reason to afford the Mundy family the time to attend the inquest. The coroner and Williams compared their letters (see the first examination of Mr. Mowll), and the result was that

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\* See Evidence of Rutley Mowll recalled, p. 210.

† Cf. R. Mowll's evidence as to the Exhibit 66—the letter to him referred to at p. 126.



## George Joseph Smith.

only Smith, *alias* Williams, *alias* Love, *alias* James, *alias* Baker, *alias* Lloyd, and Dr. French—a Herne Bay practitioner of two years' standing, strangely described by his patient as "the best medical men here, who are constantly giving me medical treatment,"\* gave the evidence upon which the verdict recorded was returned. The funeral was carried out by Mr. Hogbin, who had also provided the furniture for 80 High Street. "It was to be moderately carried out at an expense of seven guineas."

Mr. BODKIN—And a grave?

Mr. HOGBIN—He said he would not purchase a grave. The grave was 8s. 6d., the interment fee. (It was a common grave. P. Millgate's statement at Bow Street, 15/2/15.)

The funeral, which had been provisionally fixed to take place on Tuesday, July 16, took place as arranged, as the inquest had gone "favourably," and two days later Smith resold to the undertaker the piano and other furniture at 80 High Street for £20 4s. (exhibit 256). On the morning of the funeral, timed for 2.30 p.m., the bereaved husband walked into Miss Rapley's little office, and, putting his arms and head on her high desk, he commenced to sob. "She is dead," he groaned. "My wife; she had a fit during the week. I went out. She went to have a bath, and she must have had another fit, for when I came back I found her dead in the bath." Miss Rapley was too shocked to make any comment, so Mr. Williams proceeded, "Was it not a jolly good job I got her to make a will?" Miss Rapley was more shocked. Mr. Williams became angry, "Well, is it not the correct thing when people marry for the wife to make her will and leave everything to her husband, and for him to make his and leave everything to her?" he snorted. "Did you make yours?" asked Miss Rapley. "Yes," said Mr. Williams. "I then looked him very straight in the face and I said (so testified Miss Rapley), 'I thought you told me you had not got anything?'" "Oh, well, I made my will all the same," was the weak reply.

He then told Miss Rapley of the previous day's inquest—the first she had heard of it. She persisted, "Did you let her relatives know?" "Yes, I did, and the brutes sent a letter to the coroner saying it was a very suspicious case." Still Miss Rapley persisted, "Let me see, where did you say her relatives lived?" "I never told you where they lived," snapped Mr. Williams. Miss Rapley saw

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\* Bessie Mundy's letter set out, p. 11 *ante*. There were then in practice at Herne Bay twelve doctors, and Dr. French, who qualified in 1910, was the junior of them all.

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him once more at Herne Bay; he had come to pay the second and last instalment of rent; incidentally, he wanted her to find him a nice little place in the country—not more than £400. When she next saw Mr. Williams he was in custody on three charges of murder.

On July 17 Mr. Williams called on Mr. Annesley, the solicitor who had drawn up the wills, and instructed him to obtain probate of his wife's will. A caveat was lodged by the Mundy family about the end of July, but was withdrawn by Ponting & Co. on August 8, and in the course of the autumn of 1912 all the securities covered by the settlement (with the exception of £300 Cape of Good Hope stock retained until early in the following year against a liability of the estate for unpaid calls on shares in a moribund company) were handed over to Mr. Williams. His exact dealings with the Mundy securities, which he turned into gold and notes and then into house property, and then again into cash and finally into an annuity, were traced in minute detail by Detective-Inspector Neil. Many different banking accounts were used by Smith all over the south and west of England; details of operations on these accounts will be found in Appendix VII. In short, Smith got by receipts £2403 15s. against payments of £2042 9s. 5d.\*

Probate was granted about September 11. Illness in the Mundy family and delays caused by Smith's own interference rendered the negotiations somewhat protracted, and "Mr. Williams" was very reluctant to pay Mr. Annesley's bill, or to furnish Messrs. Ponting with any particulars about himself. Under date August 1, 1912, he writes to Mr. Annesley, "I was educated at Whitechurch, Glasgow (*sic*), after which I went to Canada—returned to London. I have always been of an extremely roaming disposition, never keeping a diary, but continually up and down the country buying and selling pictures, &c. I never remained in one particular town more than a week or so." On August 4 he writes, "Now, in regard to my history, which was requested by them, that also is bluff. It is not the matter of history inasmuch as the only proof required is whether I am the lawful husband of the deceased. If it was a matter of history, what on earth is the use of a will?"

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\* The correspondence in relation to the winding-up of Mrs. Williams' estate, carried on between Mr. Annesley, Messrs. Ponting, Smith, and others, is contained in no less than 215 letters and telegrams; the professional letters are very much like others, but the personal ones of Smith, from their spelling, style, and persistent enquiries after money, are very idiosyncratic.—E. R. W.

## George Joseph Smith.

The Inspector was equally indefatigable in tracing the purchases and sales of house property. The net result was that Smith purchased the houses for £2187 10s., and sold them for £1455, a loss of over £600 in a few months. Particulars will be found in the evidence of Messrs. White, King, Lazenby, Pomeroy, Barber, and Denning. He invested £1300 in an annuity in the North British and Mercantile Insurance Company.\*

I will now pick up the threads of the story of Miss Pegler. That lady was never able to ascertain where her spouse resided when away from her. His rare letters came through the Woolwich Equitable or from some accommodation address. When he met her at Margate, as we shall presently see, and she told him that she had tried to find him at Woolwich and Ramsgate, he was very angry, and said he should never tell her his business again. He did not believe in women knowing his business (Pegler's statement at Bow Street, 20/4/15, taken by Inspector Cole and P. S. Page).

About the end of July or the beginning of August Miss Pegler received a letter from Smith asking her to join him at Margate; she did so. They stayed a week, and went on to Tunbridge Wells and other places mentioned in her evidence. She naturally asked him what he had been up to. He was angry, as has been said, but he condescended to inform her that he had just returned from Canada, where he had been very fortunate in buying a Chinese image for a song and selling it for £1000. Mr. and Mrs. Smith appeared to have lived together for over a year, he leaving her early in October, 1913, to go round the country; he explained that he had to do some dealing, as he had dropped £600 over his houses. When he returned after his calculated murder of Alice Burnham, he said he had just come from Spain, where he had bought some old-fashioned jewellery, which would bring him in £200 eventually. A very singular incident had occurred just before Smith went away to marry and murder Alice Burnham. He made the acquaintance, in August or September, while they were at Weston-super-Mare, of a young woman of twenty-eight or thirty years of age, of the name of Burdett, as far as Miss Pegler could recollect. She was a governess, and Miss Pegler several times saw the boy and two girls she had in charge. Some intimacy developed, and the Smiths asked her to tea. She came about four times, sometimes bringing the children. Smith told his Edith that he was going to insure the young lady as an "investment." And

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\* Payable half-yearly in April and October, £76 1s. 0d. a year. See Plessance's evidence.

## Introduction.

an insurance agent actually called to discuss the matter, and Smith took Miss Burdett to see him. A policy for £500 was provisionally arranged. Miss Pegler, much against her inclination, accompanied Miss Burdett to see the insurance company's doctor, and Miss Burdett was passed as a first-class life. Miss Burdett knew quite well that the Smiths were married, and for some reason Smith cancelled the policy—if, indeed, it was ever issued—and recovered his premium (Pegler's statement at Kentish Town, 8/5/15).

When Smith left Miss Pegler, he proceeded to Southsea, where he met Alice Burnham, his next victim, apparently at the chapel she attended. She was twenty-five years of age, and was nursing an old gentleman named Holt. She was a stout, but healthy young woman, and had made a very good recovery from a somewhat serious operation. Within a very few days Smith had induced her to consent to an engagement. With that minute attention to matters of money so characteristic of him, "George" brought his bank books and private papers when he came to propose, and from what we know of him we may be sure he lost no time in ascertaining from his new flame exactly how her financial affairs stood. On October 15 the deluded girl wrote to her people announcing her engagement. Smith also wrote his letter of October 22 (exhibit 179 in Mr. C. Burnham's evidence). In accordance with the intention therein expressed, Smith and Alice Burnham journeyed to Aston Clinton on Saturday, October 25, and were met at Tring station by her father, with his pony and trap. They remained until October 31, the visit being cut short by the behaviour of Smith, which the family found so objectionable that Mr. Burnham asked his daughter to leave. Indeed, from the first Mr. Burnham felt the strongest dislike of Smith, whom he described as a man of "very evil appearance, so much so that he could not sleep whilst Smith was in the house, as he feared Smith was a bad man, and that something serious would happen." Smith avoided Mr. Burnham as much as possible (Charles Burnham's statement at Aylesbury police station, 16/2/15; Superintendent Wootton's letter from Aylesbury police station, 21/1/15).

Notwithstanding the chilling hostility of the family, Alice and Smith gave notice of their intended marriage at the church at Aston Clinton. That intention, however, they abandoned, and, returning to Southsea, they were married on November 4 at the Portsmouth Registry Office, he giving his true name, describing his age as

## George Joseph Smith.

forty, and his condition as bachelor, of independent means, son of George Thomas Smith, deceased, artist, flowers and figure.

It may here be noted that Mr. Burnham had inquired at Somerset House, but no trace of Smith's birth could be found.

Alice Burnham's means at the time of her marriage were these—in the Savings Bank, £27 19s. 5d.; due from her father, £100 and interest on his promissory note; due from her sister, Mrs. Pinchin, £10. She had also a quantity of jewellery and clothing.

It is best to tell the story of what happened in Inspector Neil's own words, as giving the reader an example of an official narrative, which presents the main facts with a telling succinctness

20/10/13 she drew all her money from the bank, £27 19s. 5d., and on

3/11/13 prisoner introduced her to Mr. Pleasance, an insurance agent, with the result that she was insured for £500.\* On the

4/11/13 the prisoner married her at Portsmouth Registry Office in the name of George Joseph Smith (ex. 3). He immediately commenced application to Mr. Burnham for the £100, which Mr. Burnham declined to send as he was suspicious of the man and desired to know something of his antecedents, and for this purpose consulted Mr. Redhead, solicitor, of Aylesbury, who wrote to the prisoner asking him something about himself, and in reply Mr. Burnham received an insulting post card (ex. 183) stating that his mother was a cab horse, &c. Every obstacle was put in the way of the money being sent, and the prisoner threatened to commence proceedings. Mr. Burnham was eventually advised to part with the money, and on

29/11/13 he forwarded £104 1s. 1d. to his solicitor, who sent it on to prisoner through his solicitor. It is known that this money was paid by the prisoner into his own banking account. On

4/12/13 the insurance on Miss Burnham's life was completed and the premium of £24 17s. 1d. paid. This was no doubt the money drawn out of the P.O. On

8/12/13 Miss Burnham called on Mr. March, solicitor, Portsmouth, and made a will in favour of her husband. On

10/12/13 prisoner and Miss Burnham went to Blackpool and called on Mrs. Marsden at 25 Adelaide Street, but declined to take rooms there as there was no bath there, and they were recommended to go to Regent's Road where they took lodgings with Mrs. Crossley. The same day they called on Dr. Billing where the prisoner explained that his wife had a headache in consequence of a train journey. She was prescribed for. On

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\* As will be seen, in this and the Loftly case, an All-life Policy was at first desired, but an Endowment Policy was effected.—E. R. W.

## Introduction.

- 11/12/13 Miss Burnham asked for a bath, which was prepared by Mrs. Crossley, and shortly after the prisoner went to Mrs. Crossley and said he could not make his wife hear. She was found dead in her bath by prisoner and Mrs. Crossley. Dr. Billing was sent for, and on
- 13/12/13\* an inquest was held and a verdict of death from drowning was returned. A funeral was arranged for to take place on
- 15/12/13 and on the day before Miss Burnham's mother and brother went to Blackpool to be present at the funeral. The same day Smith left them (immediately after the funeral) and said he had to get back to Portsmouth. They never saw him again though he promised to write. He went to 80 Kimberley Road, sold all Miss Burnham's belongings and then went to London where he approached Kingsbury & Turner, solicitors, Brixton, on
- 18/12/13 with a view to them obtaining probate. On
- 22/12/13 he returned to Miss Pegler at Bristol, when he said he had been to Spain and had done fairly well. On the
- 10/1/14 he received the money from the insurance under Burnham's will through Heath & Eckersall, Cheltenham, to whom he had gone after Kingsbury & Turner had obtained probate. He resided in Cheltenham some time with Pegler. The money paid under the insurance was £506, and on
- 22/1/14 with this money he increased his annuity† to the extent of £500. With Miss Pegler he then went back to Bristol.

Here for a time I will leave the Inspector and resume my narrative.

Smith had so completely estranged the affections and warped the mind of Alice Burnham during the brief period of their engagement that she actually brought herself to write the letters of November 22 and 24, which will be found in Appendix V. She also went so far as to instruct Mr. Robinson, a solicitor, to write to her married sister, Annie Pinchin, demanding the return of £10 which she had lent her, later on, however, on the sister's marriage, telling her to regard it as a gift. The £10 was repaid on November 28 by registered letter (exhibit 234).

It is needless to anticipate the story of what happened at Blackpool; the medico-legal aspects are dealt with later. But one or two matters call for mention here, because the witnesses did not refer to

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\* A Saturday. The inquest on Bessie Mundy would also have been held on a Saturday, only it was found inconvenient. See R. Mowll's evidence p. 126. —E.R.W.

† He had informed Mr. Pleasance about October 8 that he would be increasing his annuity by £500 after his birthday, when the rate would be more favourable. See Pleasance's evidence.—E.R.W.

## George Josèph Smith.

them in their evidence. On the afternoon following the murder of Alice Burnham, Smith returned with a full bottle of whisky; in the evening there was only a little drop left. He spent part of the afternoon playing the piano. He told Margaret Crossley that he had been in the Marines, and had shaved off his moustache a fortnight previously. He declined to pay the bill for the food supplied to Mrs. Burnham and her son. Mrs. Crossley had great difficulty in getting him to pay for his own board and lodging. He promised to recompense her for the trouble she had been put to, but he never did (statement to Inspector Neil, Kentish Town, 10/2/15). To Joseph Crossley he said that he wanted a deal coffin, and on Crossley replying that he would not bury his wife like that, even if he had not a penny in the world, Smith retorted, "When they are dead they are done with."

A matter of some importance was noticed in Superintendent Wootton's letter from Aylesbury, already quoted from.

I desire to draw your attention to Smith's letter to Mrs. Burnham dated 13/12/13, giving an account of his wife's death, &c., in which he states that the inquest would be held early next week, whereas it was held on the day the letter was written.

In consequence of this deception, the second inquest was of the same perfunctory character as the first. It was all over in half an hour, and many points of suspicion were never brought out—as that Valiant,\* the coroner's officer, noticed that the distracted "husband" had carefully removed his coat and rolled up his right shirt sleeve before raising his "bride's" head out of the water, and that Mrs. Haynes had noticed a very considerable quantity of hair at the sloping end of the bath (the deceased had been sitting facing that end) on the Sunday morning, when she went to clean the bath.

Again, Smith was a transparently uneducated man. Yet his statement that "I am a gentleman of independent means, and have never followed any occupation," aroused no incredulity—though he had told his very landlady he had been a Marine! The only witnesses were Dr. Billing, Mrs. M. Crossley, Valiant and another sergeant, and Smith himself. He duly contrived—assisted, maybe, by the bottle of whisky he had consumed—to make his lachrymal glands perform their function, and his freely flowing crocodile tears moved all hearts except Mrs. Crossley's.

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\* Valiant's deposition is very brief; he says, "The police have no suspicion of foul play."

## Introduction.

The coroner had another inquest to hold and the 8 p.m. train to catch—all between 6.30 and 8; so with little ado the jurors of Our Lord the King found that “the deceased Alice Smith came to her death at Blackpool aforesaid on the 12th day of December, 1913. The deceased suffered from heart disease, and was found drowned in a hot bath, probably through being seized with a fit or faint. The cause of death was accidental.”

The deception as to the letting off the water in Smith's letter to Mrs. Burnham is dealt with in the summing up. In that letter he described the death as “the greatest and most cruel shock that ever a man could have suffered.”

Smith fled hastily from the scene of his crime. He left his address with Mrs. M. Crossley on a postcard. On the back she wrote, “Wife died in bath. We shall see him again.” When the card (exhibit 175) was shown to her at the Old Bailey, two years later, the usher was directed to show her and the jury only the address side of that card. What Mrs. Crossley wrote—like what the soldier said—was not evidence. As he sped down the street she hurled after him an opprobrious name—“Crippen.”

With that sordid love of money which never forsook him, he realised all his wife's wardrobe and jewellery, just as he had sold Bessie Mundy's linen to a Margate dealer before Mrs. Millgate had got it back from the laundry.\*

He returned to Edith Pegler, and with her recommenced those aimless wanderings from place to place—Bournemouth, Torquay, &c., until about August 14, when, once more in Bournemouth, he marked down his penultimate victim in the person of Alice Reavil, a domestic servant.

She gave evidence at Bow Street, and her statement, as taken by Inspector Cole and P.S. Page, lies before me now.

On 7 or 8 September I was in the gardens on the front, sitting on a seat, when a man came and spoke to me. . . . We had some conversation, in which he said he admired my figure. After an hour's conversation, in which he informed me he was an artist, and had £2 a week from some land in Canada, he made an appointment for 6 p.m. the same evening. I met him as arranged; he did not tell me where he was staying; I never knew. Next day I met him as arranged, and he then told me his name was “Charles Oliver James.” He said he had been to Canada, and his agents sent him his money. He also said he understood I had some money. I met him every evening, and I returned to Woolwich on the 14 or 15 September. After the third or fourth day of our acquaintance he asked me to marry him, and I consented, and he said he would put his money with mine and he would

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\* See Mrs. Millgate's evidence, p. 129.



## George Joseph Smith.

open an antique shop. . . . He asked me how much money I had, and I said about £70 odd, and some furniture, including a piano. He asked me to sell them, and I decided to. . . . We went to the registry office and were married by special licence [this was on 17th September]. In the meantime I had sold my belongings, and they realised £14. After we married we left Woolwich for Waterloo, and went to 8 Hafer Road, Battersea Rise, where he had taken two furnished rooms. . . . On the way he showed me a lot of bank notes, and he asked me for my £14 to put in the bank with his. I gave it to him. When we got to our lodgings . . . he produced a post office withdrawal form for me to fill up to draw all my money from the bank. I filled it up, and added, "with interest to close account," and we went out together to post it. . . . He put it in the box. I signed the withdrawal form in my maiden name, and he gave instructions to the landlady to take it in. . . . About three days later the warrant for withdrawal was delivered, and he took it in. This was on Saturday, 19th September, 1914. He kept the warrant. All my clothing was at this address, and was kept in four boxes. On 21st September we went to the post office, Lavender Hill, to obtain the money. . . . He told me to ask for all £1 notes, but they gave me four £10 notes and two £5 notes, and the remainder in £1 notes and cash. In all I received £76 6s. and some coppers. He picked up the notes and I the cash—the odd six shillings. I never saw the notes again. . . . The same evening we packed our belongings, with the intention of getting another house. He went out to get a man to take the luggage to Clapham station, and later a man arrived with a barrow and took it away—as I thought, to the station. . . . He told the landlady we should go away next day; he paid the bill—I think 10s.—I had bought all the food we had.

On 22 September we left the house. . . . We got on a tramcar, and on the way he spoke of Halifax, Nova Scotia, and asked me if I would like to go. He took penny fares, and we got off at some gardens. We walked through the gardens, and on getting to the other end he said he was going to the lavatory, and asked me to wait. I did so, and waited about an hour. He did not return, so I returned to 8 Hafer Road, and found the attached telegram waiting for me. [It ran, "Wait home for letter. Next post.—James."'] I remained as requested, and some hours later I received the attached letter (registered), posted at Battersea. (See Appendix.) I stayed at Hafer Road the same night, and returned to 39 Plumpstead Common Road next day. None of my boxes arrived, and I have not seen them since. On 22nd February . . . I attended Bow Street, and I identified a man known as George Smith as my husband. . . . I communicated with the post office, and obtained the numbers of the notes paid on the warrant. When I married the prisoner he was clean-shaven. I value my clothing, jewellery, &c., at about £50. The result of my meeting with prisoner was that I was left with only a few shillings and the clothes I was actually wearing. What he had taken consisted of the whole of my life's savings.

Smith now for the last time rejoined Edith Pegler, taking with

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\* With Miss Reavil's money Smith opened a savings bank account at Weston-super-Mare, and closed it after paying Miss Lofty's premium. See Mitchell's statement in Appendix viii.

## Introduction.

him Alice Reavil's modest trousseau. This—or, rather, what remained of it—he gave to her, remarking that “he had been to a sale in London, and had bought some lady's clothing. He had some left, and gave it to me. It was kept in a black trunk, which I had not seen before. The lady's clothing taken away by the police was brought to Weston-super-Mare by Smith” (Pegler's statement at Bristol, 23/2/15).

During the period between the Reavil marriage and the Lofty murder, Miss Pegler thought about November, 1914, “He remarked to me that, if I interfered with his business, I should never have another happy day, as the world was wide, and he would forfeit it all. This was because I had spoken about his annuity. Just after Xmas, 1914, we were living in apartments at 10 Kennington Avenue, Bristol, and I said I was going to have a bath. He said, ‘In that bath there?’—referring to the bathroom—‘I should advise you to be careful of those things, as it is known that women often lose their lives through weak hearts and fainting in a bath.’” (Pegler's statement at Bow Street, 20/4/15).

Towards the end of 1914 the Smiths were in Bristol, when a mood of restlessness once more swept over George Joseph, and he said he “would have a run round again before Xmas with another ‘young fellow’—it was always a ‘young fellow’—he had met in Clifton.” The “young fellow” was Margaret Elizabeth Lofty, spinster, aged thirty-eight, daughter of the late Rev. Fitzroy Fuller Lofty, who had died in 1892, leaving a widow, one son, and three daughters. Miss Lofty soon responded to Smith's overtures; a disappointment in love a year before—it turned out that the man had a wife already—had rather unsettled her for her vocation as companion to elderly ladies in quiet cathedral cities; and Smith, whatever he lacked in address or education, left nothing to be desired from the point of uxoriousness or virility. She seems to have perceived that her mother and sisters would be critical of her *fiancé*; so she writes them pious untruths; she is going away to be clandestinely married, and she writes, under date December 15, 1914, Bristol station—

Dear Elsie—I am off to a situation and meet my lady here. We go, I believe, to London for a day or two. Don't worry . . . Your affectionate sister,  
PEGGY.

And she encloses a note for her mother in similar vein—all untrue.

As she had but about £19 in the Savings Bank, a life policy became imperatively necessary from Smith's point of view. He is “John Lloyd” now. He has ceased to be of independent means,

## George Joseph Smith.

and has become a land agent, like his father before him, one John Arthur Lloyd. Accordingly, the unsuspecting victim is sent to the office of the Yorkshire Insurance Company, 4 St. Stephen's Avenue, Bristol. She did not strike Mr. Cooper, of that office, as at all a good business woman when he first saw her on November 24. She called again next day, and filled in a proposal form for a £700 endowment policy. One regrets to note that she told several untruths when applying; it is needless to suggest who inspired them. She said she was of independent means, whereas she had but £19 odd; she said that she did not contemplate matrimony, whereas she was bent on nothing else; she said that she brought her birth certificate because Mr. Cooper had suggested it, whereas he had done no such thing; the question of proving her age had never been mentioned by him (report from Bristol police, 21/1/15). She wished the issue of the policy to be expedited as much as possible, and the insurance was completed on December 4, when she paid the premium, no doubt with money supplied by Smith—it was in the form of new Treasury notes—because she had not enough of her own in the bank. She struck Mr. Cooper as having learnt a good deal—"had the business at her finger ends"—about insurance matters since her first visit, and he thought she must have been prompted by some one (report of Bristol police and Cooper's statement at Bristol, 23/2/15).

On December 17 the parties were married, Smith of the occupation of land agent and in the name of John Lloyd, aged thirty-eight, his bride of the same age; she gave, of course, a correct account of her parentage. They left Dalkeith House, 4 Stanley Road, Bath, from which they had been married, the same day, and, with no luggage beyond a hold-all and a gladstone bag, took the train to London, and went to 16 Orchard Road, Highgate, where Lloyd had booked rooms on the previous Monday, paying 6s. deposit. The house was owned by a Miss Lokker, and a Mrs. Heiss managed it in her absence; there were reasons why they had to be especially careful, in 1915,\* that they did not take in undesirable lodgers without references; in fact, they had had such lodgers, and they had been robbed (Detective-Sergeant Dennison's statement, Kentish Town station, 25/3/15).

Lloyd, when he called on the Monday, had asked to see the bath. He looked at it "as if he was measuring it with his eyes," and he

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\* Miss Lokker was a Dutch subject and Mrs. Heiss a German. At Bow Street Mrs. Heiss said, "I did not like the way he asked about the bath."—E.R.W.

## Introduction.

said to Mrs. Heiss, "This is rather a small bath, but I dare say it is large enough for some one to lie in." He looked at her and smiled, and she said, "It is." He decided to take the rooms, paid his deposit, and left. But he had made so bad an impression by his manner that Miss Lokker had decided by Thursday that she would not let him the rooms. When he arrived with his bride, about 3 p.m. on that day, the door was opened to him by a Mr. Van Rhym, who said, "You cannot have the rooms now; they are not ready," and told him to return at 6 p.m. Lloyd appeared annoyed and nasty, and left his luggage in the passage and went away. Detective-Sergeant Dennison had so advised when he visited the house at 2.30, at Miss Lokker's request; he had acted for her in the matter of the other undesirable lodgers. Lloyd returned a little after 5 p.m., but Mrs. Heiss was so frightened by his evil appearance that she would not let him in; he kept knocking and calling out to people in the road that, if it were not for his wife, he would have knocked the man (Mr. Van Rhym) down.

Dennison had arranged to call again at six, and Miss Lokker, in some alarm, went through a neighbour's house to look for him. Lloyd was at the door. "He was in a temper, and asked me if I had anything to do with the house. I said, 'No.' He said a lot I do not remember, but I know I asked if he had given a reference. He said, 'I have never heard of such a thing. I have plenty of money and a banker; that is good enough.'\* He said he had been everywhere abroad, but had never been treated as he was being treated. He said, 'I can see it is all planned. All I want is my money and luggage back; I have taken rooms somewhere else.' He did not know I was the landlady, and all the time he was talking to me he was running the place down."

At six o'clock Dennison opened the door to Mr. and Mrs. Lloyd, and said, "You cannot have the rooms, because you cannot furnish references." In reply to Lloyd's question, "Who are you?" the officer cautiously replied, "I am acting on behalf of the landlady." Mr. Lloyd turned to his bride, exclaimed, "They don't want us," and, having been given back his deposit, was shown the door by the detective; he departed in a passion. (Details have been taken from the Kentish Town statements of the parties named; they gave similar evidence at the Central Criminal Court.)

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\* According to a letter by Mr. Neil to the C.I.D. of January 19, he said, "They had just returned from Canada." What Miss Loftly thought of this fable we can only surmise.—E.R.W.

## George Joseph Smith.

Mr. Lloyd sought apartments next at 14 Bismarck Road, Highgate,\* where Miss Blatch had a furnished room to let. He came with his bride, without luggage, paid seven shillings deposit, and went away, as he said, to fetch the luggage. Before agreeing to take the room, Mrs. Lloyd had inquired if there was a bath; the answer was in the affirmative.† During her husband's absence Mrs. Lloyd told Miss Blatch that she did not know her husband's plans, but they were going to Scotland for their honeymoon. It is needless to travel in detail over the evidence of the witnesses as to the death at Bismarck Road. I will condense the narrative in the Inspector's style.

About 5 p.m. on

17/12/14 Smith in the name of Lloyd arrives at 14 Bismarck Road, and takes a room after enquiring if there is a bath, and at 8 p.m. on

17/12/14 he takes "Mrs. Lloyd" to see Dr. Bates at 30 Archway Road, who prescribes for her, and on

18/12/14 Mrs. Lloyd goes to the office of Mr. Lewis, solicitor, of 84 High Street, Islington, and makes her will, bequeathing everything to her husband, who was appointed sole executor. On the same day she draws out her whole balance in the savings bank from Muswell Hill Post Office, £19 9s. 5d., having given notice of withdrawal on the fifteenth, and on

18/12/14 she returns to Bismarck Road, and at 7.30 p.m. on

18/12/14 Mrs. Lloyd asks for a hot bath, and at 8.15 p.m. on

18/12/14 P.C. Heath is called to the house and he finds Mrs. Lloyd dead, and on

20/12/14 Mr. Lloyd calls on Mrs. Beckett and desires to have the funeral next day, and on

22/12/14 Mr. Schroder holds an inquest, which he adjourned to

1/1/15‡ when the jury found that Mrs. Lloyd died from suffocation by drowning in the water, Mr. Dale, instructed by Mr. Aylwin, appearing for Lloyd, and on

4/1/15 Smith, as John Lloyd, calls on Mr. W. P. Davies, solicitor, of 60 Uxbridge Road, Shepherd's Bush, and produces the will of Mrs. Lloyd, *née* Lofty, and her marriage certificate and her life policy, and instructs him to obtain probate. On

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\* Since renamed, a delicate compliment to the French, Waterloo Road.—E.R.W.

† They first came about 5 p.m. It is a little difficult to reconcile this with the story told by the Orchard Road witnesses of his return with Miss Lofty.—E.R.W.

‡ Mr. Lloyd had returned to Bristol on December 23, strolling in casually about 8 p.m. to Edith Pegler's mother's house. He left for Shepherd's Bush on December 31.

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19/1/15 in consequence of information received, Detective-Inspector Neil communicates with the Aylesbury police and with the G.P.O., and on

21/1/15 Inspector Wootton replies from Aylesbury, and reports are received the same day from Bath and Bristol. On

22/1/15 three documents reach the police, Mrs. Lloyd's bankbook, her withdrawal order, and receipt for £19 9s. 5d., and on

22/1/15 Inspector Neil submits his first report, subject "Suspicious deaths," from Kentish Town, and on

1/2/15 having kept daily observation on Mr. Davies's premises the police see Mr. Lloyd enter the office. On leaving he is stopped by Detective-Inspector Neil and Police-Sergeants Page and Reed, when he admits he is also George Smith, who married Alice Burnham, who died in her bath at Blackpool. "As it was thought he might be in possession of fire-arms he was searched, but none were found." He was not dressed in mourning, and the only evidence of such found was a black tie in his bedroom at his new address—14 Richmond Road—where was found a hold-all with a quantity of ladies' clothing. Lloyd was identified as Smith the same night by Mr. Burnham and Mrs. Pinchin, and on

2/2/15 he is charged with causing a false entry to be made in the marriage register at Bath. (It was false not only as to his name, &c., but as to his and his wife's period of residence in Bath previous to the marriage.) He is remanded at Bow Street, and on

23/3/15 he is further charged with the wilful murder of Bessie Mundy, Alice Burnham, and Margaret Lofty, and after several remands is committed on all three charges on

12/5/15 and on

9/6/15 a true bill is returned against him at Lancaster Assizes for the murder of Alice Burnham, and on

15/7/15 a true bill is returned at the C.C.C. in respect of Miss Lofty.

16/6/15 a true bill is returned at Maidstone in respect of Miss Mundy, and the two country indiotments are removed to the C.C.C. under "Palmer's Act."

Alice Reavil alone of the women defrauded and deserted gave evidence during the proceedings at Bow Street. Smith, on almost every occasion, lost all command over himself, hurling imprecations at Inspector Neil and Mr. Bodkin, who appeared for the Crown and was reviled by the man in the dock as a "criminal and a manufacturer of criminals." Mrs. Crossley was, as at the Old Bailey, denounced as a lunatic. After the prisoner's committal, Mr. Montague Shearman apologised for his client's outbreaks, but he behaved little better on his trial until a withering rebuke from the judge put an end to his ill-timed and ill-bred interruptions, betraying,

## George Joseph Smith.

as they did, the wreckage of his nervous system, the not unnatural consequence of forty-three years of life misspent in crime and debauchery.

As some little mystery has prevailed as to the manner in which Scotland Yard was first put on the track of the murderer, it may be said that Mr. Charles Burnham noticed an account of the Highgate inquest in the *News of the World*, and forwarded it through Mr. Redhead to the Aylesbury police. Mr. Joseph Crossley had also seen some report of it, and he sent it to the C.I.D. with a cutting reporting the Blackpool inquest.\* The Aylesbury police communicated with the Blackpool police and with headquarters, which then, through Detective-Inspector Neil and Inspector Cole and P.S. Page, commenced elaborate investigations† in over forty towns in England, taking statements from 150 witnesses, of whom 112 were called at the trial, and examining the details of one account at Parr's Bank, Herne Bay, of accounts at three branches of the London City and Midland Bank, at Tunbridge Wells, Bath, and Portsmouth; of accounts at four branches of Lloyd's Bank at Bristol, Cheltenham, Lampport, and Weston-super-Mare; of three accounts at the Capital and Counties Bank at Bristol, Cheltenham, and Weston-super-Mare; of one account of the National Provincial Bank at Weston-super-Mare; of another of the Wilts and Dorset Bank; and of two of the London and South-Western Bank at Highgate and Shepherd's Bush, to say nothing of six Savings Bank accounts, of which four were in the names of Smith's victims and the other two in the names of John Lloyd and George Smith.

The police did not receive information from Herne Bay until Mr. Lloyd was already charged with the two later murders. It was on February 15, 1915, that Inspector Neil told the prisoner that he had reason to believe he was identical with Mr. Williams, whose wife had

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\* He wrote under date January 3, 1915, pointing out the striking similarity of the two cases.—E.R.W.

† The police communications between Highgate, Blackpool, Aylesbury, Bath, Bristol, and to the C.I.D. have been placed at my disposal by Mr. Neil. As they are documents of a confidential nature, I have so handled them, quoting here and there to make a point that does not appear in the evidence. It seems that Mr. Schroder was not satisfied about the Highgate death, and would have preferred an open verdict. Mr. Kilvington, for the Lofly family, was, however, satisfied. Mr. Burnham had always suspected foul play, but felt he could do nothing in face of the Blackpool verdict. The astute Mr. Neil, even as late as January 19, 1915, went so far as to write, "Although we have no real grounds for suspicion that the death was otherwise than accidental . . . it is desirable that he should not have the money in question for a while." Great precautions were used to prevent Smith suspecting that he was under observation, and that inquiries were being pursued about him.—E.R.W.

## Introduction.

died in her bath at Herne Bay. On the 18th of that month her body was exhumed, examined by Dr. Spilsbury, and reinterred. In his report of February 20 the Inspector adds, "I am of opinion that we have not, so far, discovered the full list of this man's crimes."

A feature of the proceedings at the Police Court was the inordinate interest taken by women in the accused; they would, as early as eight in the morning, take up their station in queues outside the Court, bringing lunch with them, and they literally hemmed the prisoner in, by pressing so closely around the dock that they actually touched him (see *The Weekly Dispatch* under dates May 16 and July 4, 1915).\*

The trial at the Central Criminal Court opened on June 22, 1915, and lasted until July 1. It was the longest and the most important murder case tried in England since Palmer's, sixty years before; in one respect it constituted a record—no fewer than 264 exhibits were put in; the witnesses came from over forty different towns, and numbered 112, of whom 18 were solicitors or solicitors' clerks† and 14 were officials from banks.

The legal and medico-legal aspects of the trial receive special consideration in Part II.; the full report later given renders it superfluous to anticipate here the story unfolded at such length. To the horror of Mrs. Millgate, when she saw the naked corpse behind the door, and the amazement of Miss Rapley at Mr. Williams's appalling callousness, may be added the dramatic incidents, when Mrs. Crossley, of Blackpool, and Miss Blatch, of Highgate, were taken by counsel over the very moments when, unknown to them at the time, the murderer was at his dreadful work in the little bathrooms above where they were sitting in the peaceful pursuit of household duties.

Not even a verbatim report can convey their emotional distress, but I will quote a few words from the official report kindly lent by Sir E. Marshall Hall.

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\* The verdict of the inquest was the subject of Parliamentary enquiry, and on 14th July, 1915, Mr. Raffan asked the Home Secretary whether he will institute an inquiry into the circumstances which led to the verdict of accidental death being returned at Coroner's inquests on the bodies of Bessie Mundy, Alice Burnham, and Margaret Lofly, whose deaths were subsequently shown to have been caused by murder, and whether he can state the legal and medical qualifications of the Coroner who held the inquests. Sir John Simon, "I will look into this matter, but its consideration must stand over until the Court of Criminal Appeal has dealt with the prisoner's appeal against his conviction which is now pending;" and on 22nd July Mr. Booth asked an identical question. Sir John Simon merely referred him to his previous answer.—E. R. W.

† Excluding Mr. Mowll and Dr. French who was a qualified solicitor.



## George Joseph Smith.

Mr. BODKIN—Whilst you and your daughter and son-in-law were in the kitchen, did you notice anything about the kitchen?

Mrs. CROSSLEY—I noticed the ceiling.

Mr. BODKIN—What did you notice about the ceiling?

Mrs. CROSSLEY—The water was coming through.

Mr. BODKIN—Would you like a little water?

Mrs. CROSSLEY—No, it worries me to think of the time.

\* \* \* \* \*

Mr. MARSHALL-HALL—Did you think he had something to do with his wife's death? Now then, answer me that question. (The witness mumbled something.) I cannot hear a syllable.

Mr. JUSTICE SCRUTTON—Ask the question again! Somebody moved or coughed just at the time we wanted to hear.

Mrs. CROSSLEY—I shall not answer the question, what I thought.

Mr. HALL—You won't answer the question?

Mrs. CROSSLEY—No.

Mr. HALL—If you won't answer it——

Mrs. CROSSLEY—I cannot answer it, what I think about that.

But she had already, by what she wrote on the back of exhibit 175, answered what she thought about it.

Miss Blatch, after that terribly grim story of the splashing heard above, the wet arms on the side of the bath, and the final sigh, the organ pealing forth its funereal notes for full ten minutes from the sitting room, the slamming of the front door, the ring at the bell, the calling out to the dead woman, was asked, "Where were you when he so called out?" "At the bottom of the stairs." "Did you go up then?" "I said, 'I cannot come, Mr. Lloyd.'"

"I rushed upstairs to another gentleman I thought was in the house. . . . I rushed to the door. I did not notice anything. . . . He said he would go for the police. I said I would go myself. . . ."

Mr. JUSTICE SCRUTTON—Did you put on your hat before you went out?

Miss BLATCH—I put no hat on.

Mr. JUSTICE SCRUTTON—When you saw the prisoner with the body in his arms and the legs in the bath, did you look for any time?

Miss BLATCH—No, I looked for no time; I felt her arms and went downstairs.

The defence was, as in Palmer's case, the least impressive part of the trial. Never, except in the Sandhill's crime,\* was Mr. Marshall

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\*The murder by Holt, between Blackpool and St. Anne's, of Mrs. Elsie Breaks, who had just made a will in his favour, bequeathing him the amount of her life policy. It well illustrates "the desperate and shortsighted wickedness" of murderers that Holt committed his murder within four miles of the similar murder by Smith by whose fate he was unwarned.—E.W.R.

## Introduction.

Hall so destitute of material; his miserable client—all the bravado knocked out of him, and speaking, when he interrupted to his own detriment, in a voice which a lady present likened to a patient's when only partly under chloroform—was an impossible witness, damning though his absence from the box necessarily was. Counsel combated the theories of Drs. Spilsbury and Willcox, and employed a favourite argument with him that one would have to go back to the days of the Borgias to find such depths of wickedness as the prosecution alleged. One substantial point he made—Would Smith, if he had intended to murder Miss Burnham or Miss Lofty, have gone to the expense of an endowment policy, when for about half the premium he could have got an all-life policy, which would have served his purpose just as well? As will be seen, Smith only abandoned the all-life policy on Miss Burnham when a further premium was demanded from him to cover the risk of marriage; and he probably found that an endowment policy masked his designs better from his two brides, besides furnishing his advocate with a plausible argument. Still, it must have cost Mr. Smith a pang to forego £500.

The inevitable verdict was reached on the final day in a very few minutes. Some reporters, who must have been poorly accommodated, said that the prisoner heard it unmoved; in truth he was collapsed, so that a doctor stood near him. He was "very pale—almost livid. That tell-tale patch of red on his high cheek bones flushed angrily." Called upon by the Clerk of the Court, his lips refused their office. "Then, with an effort, he gasped, 'I can only say I am not guilty.'"

Like Baron Bramwell, in sentencing the "Flowery Land" pirates a half-century before, the judge forebore to add anything to the words of his sentence, but, unlike the Baron, he concluded with the usual invocation of Heaven to be merciful to the doomed man's soul. It is no part of a judge's statutory or other duty to add these words. Smith thanked his counsel, the judge thanked the jury and Inspector Neil, and thus ended one of the most remarkable murder trials, both from the atrocity of the criminal and the ingenuity with which the net was spread around him by the C.I.D., in the annals of British crime.

Smith was removed to Pentonville, pending his appeal, which was heard on July 29. A violent thunderstorm raged during the proceedings, and, after a peculiarly loud peal of thunder, the accused man looked nervously at the roof of the Court, as if he seemed to read his destiny in the wrath of the heavens. Mr. Marshall Hall traversed much the same ground in his main argument as at the Old Bailey—that

## George Joseph Smith.

there was no *prima facie* case of the murder of Bessie Mundy apart from evidence of system; that such evidence was not admissible until a case to go to a jury had been built up *aliunde*. If the prisoner had given evidence that the death was accidental, then such evidence of system was admissible in rebuttal, but was not admissible in chief; there was no evidence of any physical fact by the prisoner causing Bessie Mundy's death, and no evidence as to surrounding circumstances ought to have been given in respect of the deaths at Blackpool and Highgate; that evidence of what took place at Mr. Annesley's was improperly admitted, as it was an interview between solicitor and client, and therefore there was a privilege not to disclose it; that the question put to both Dr. Spilsbury and Dr. Willcox\* was the death consistent with accident?—was *the* question for the jury,† that the suggestions of the judge that the prisoner might have lifted the bride into the bath and that he might have employed drugs were improper, as supported by no evidence; and that Mrs. Thornhill's twice-repeated remark about the prisoner's sentence of two years had improperly influenced the jury. Mr. Bodkin shortly replied on the circumstantial evidence of an act of murder followed by evidence to show design, and he commented on the position of the body as inconsistent with epilepsy, which was very unlikely to begin at thirty-five years of age. Mr. Hall did not reply. The Court, after the Lord Chief Justice had paid a compliment to the powerful and able argument of counsel—none the less forcible for being condensed so as to deal with the real points of the case—dismissed the appeal. The prisoner, who had only once taken his gaze from the faces of his judges, turned ghastly white, and was at once removed.

He remained at Pentonville until August 4, when, pursuant to his sentence under Palmer's Act, he was removed to Maidstone. The few remaining days of his life he passed in great prostration and almost constant tears. On August 9 he wrote a letter to Edith Pegler. He listened to the Wesleyan minister who was sent to comfort him and to the chaplain; but he discovered no trace of penitence, and made no confession. His execution was fixed for August 13, at eight o'clock, Pierpont and Ellis being the executioners. The last morning found him in a painful state of collapse; he was assisted to the scaffold.

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\* Now Sir William Willcox.

† Lords Brougham and Lyndhurst both condemned a very similar question by Buller to Hunter in Donellan's case. See Sir T. Martin's "Life of Lyndhurst," p. 281, n.—E. R. W.

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which it took three minutes to reach—thrice the usual time—from the moment the executioners entered the condemned cell. Outside a large crowd had collected, many of whom were women—and many women of all ranks gazed from the windows of neighbouring houses—and the loud babble of their voices could be heard in the cell while the preparations were being made, and the voice of the chaplain was drowned as he recited the opening words of the burial service. As eight o'clock struck a great silence fell on the multitude, and it lasted while the helpless man was almost carried in a blaze of summer sunshine across the prison yard to the fatal shed. He had to be supported on the drop.

What were his last thoughts? It is idle to speculate. Had he ever heard of Nero and his cunning and cruel attempt to drown his mother Agrippinā? Had he, with his smattering of book knowledge, ever heard of the last recorded utterance of the most infamous of the Imperial Cæsars—*Qualis artifex pereo?* If, stupefied and terrified as he was, he was capable of coherent reflection, we may be sure his last thought was one of self-pity—what an artist to perish, to have thought out a new mode of murder, and only to end like any common cut-purse of the old hanging days!

At the inquest held the same day in the prison, evidence was given that death was instantaneous and painless from fracture of the cervical vertebræ; the body was formally identified by Inspector Neil, and then consigned to the destroying quicklime—naked as his brides had lain naked—exposed to the gaze of strangers.

Deep down below a prison yard  
Naked for greater shame,  
He lies, with fetters on each foot,  
Wrapt in a sheet of flame.

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## II.

### (A.)—Questions of Law.

The points of law raised on the Appeal will be found in the Appendix; the main contention, as at the trial, turned on the principle of *A. G. v. Makin*, as to which the lay reader may stand in need of some enlightenment.

The principles regulating the admission of evidence of other acts than that charged, in order to show system, are discussed in a

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number of authorities, and are somewhat too technical for a full analysis in an Introduction intended mainly for the general public.

When such evidence is admitted, it is admitted to show, "not that the defendant did the acts which form the basis of the charge, but that, if he did such acts, he did them intentionally and not accidentally, or inadvertently, or innocently."\* Only a minority of the cases illustrating the principle were murder cases. Palmer's case is often put forward by legal purists as a case where, though there were other indictments against the prisoner for the murder of his wife and brother, the suggestion of the murder of these "was never made or hinted at."† Of well-known murder cases, in which such evidence was admitted, *R. v. Geering* was a charge of the poisoning by arsenic of the prisoner's husband in September, 1848; there were three other indictments against the prisoner charging her with the murder of her son, George, in December, 1848; with the murder of her son, James, in March, 1849; and with the attempted murder of her son, Benjamin, in the following month, all by the administration of arsenic. The evidence of the circumstances of the later deaths and of the illness in the last case was admitted by Lord Chief Baron Pollock on two grounds (1) to show that the death of the husband, whether felonious or not, was occasioned by arsenic; and (2) to enable the jury to determine whether the taking of the arsenic was accidental or not. It was not admissible as tending to prove a subsequent felony.

Neill Cream's case was another of murder by arsenic poisoning. It was a very celebrated trial, but it did not figure in the law reports, nor did Mr. Justice Hawkins give any reason for admitting the evidence, because, as he stated in a letter to Mr. Justice Windeyer,‡ any comments he might have made in pointing out the relevancy of the evidence would have been very prejudicial to the prisoner. The murder of which Cream was convicted was of an unfortunate named Matilda Clover, and, the defence suggesting in cross-examination death from delirium tremens, evidence was given, after the close of the direct evidence relating to Clover, of the deaths of three other unfortunates with the same symptoms, and of the attempted administration

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\* "Laws of England" IX., 380.

† Stephen's "General View of Criminal Law," 270. A broad distinction between a case like Palmer's, on the one hand, and Smith's or Armstrong's, on the other, is that in Palmer's case the defence was that Cook's death was due to natural causes, and not to misadventure or suicide. That other persons Palmer had access to had died mysteriously was, therefore, regarded professionally as a matter of prejudice.

‡ The letter will be found in 14 N.S.W.R. Appendix.

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of a pill to a fourth, who, however, evaded taking it. In the letter referred to Mr. Justice Hawkins goes, I think, rather further than any British authority has gone, when speaking judicially. "I dissent," he wrote, "from the suggestion that such evidence . . . can only be admitted in corroboration of a *prima facie* case which a judge would be justified in leaving to a jury if it stood alone. The admissibility of evidence in itself material and relevant to the inquiry can never be dependent on whether it is used to corroborate evidence already given, or is offered as an independent piece of evidence."\*

The principle has been well stated in *R. v. Francis* (false pretences), L.R. 20, C.R., at p. 131, by Lord Chief Justice Coleridge—"It seems clear . . . that when the fact of the prisoner having done the thing he is charged with is proved and the only remaining question is, whether at the time he did it he had guilty knowledge of the quality of his act or acted under a mistake, evidence of the class received must be admissible. It tends to show that he was pursuing a course of similar acts, and thereby raises a presumption that he was not acting under a mistake."

This was applied in the New Zealand case of *R. v. Hall*, where the prisoner was tried for the murder by antimony of Henry Cain on January 29, 1886. The hypothesis of accidental administration was distinctly before the jury. The judge, wrongly as it was held, admitted evidence to show that from June to August 15 of that year the prisoner was in attendance on his wife, and that antimony was found in his possession and in her excreta. In holding the evidence improperly admitted, the Court said—"The evidence is admissible as proof of the intent, where the prior fact of administration has been sufficiently established by independent testimony: . . . by prior proof must be understood that there was sufficient evidence of the fact to go to a jury. This preliminary question the presiding judge must determine."†

In the case before them the New Zealand Court of Appeal saw no satisfactory evidence of a design, which required for its achievement the deaths of Cain and Mrs. Hall—in other words, there was no *nexus* between the two deaths.

*A. G. v. Makin* is now generally regarded as the leading case, and the instructive judgments of the New South Wales Court of Crown Cases Reserved are quite as valuable as the report of the case in the Privy Council. Its resemblance to Smith's case lies in the

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\* He was so clear in his opinion that he refused to reserve Neill Cream's case for the C.O.R.—E.R.W.

† *R. v. Hall*, 5 N.Z.L.R. 93.

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presumption of the physical fact constituting the murder charged from the evidence as to the other deaths; in other words, of the facts showing system. Just as Smith was never proved to have been in the bathroom at Herne Bay when Bessie Mundy was expiring there, so the Makins were never proved to have done any physical act to Horace Amber Murray by which he could have been deprived of life. The homicidal act—its manner unknown—was inferred from the facts showing system, the other bodies found, and the overwhelming evidence of motive. The state of the law will be found clearly summarised in Mr. Herman Cohen's edition of Roscoe's Criminal Evidence at pp. 101-106.

The law appears as a result of the authorities to be this—

1. No direct rule can be laid down as to the moment at which evidence of facts showing system becomes admissible. Roughly, the moment is when its relevance appears clear to the presiding judge.
2. Direct evidence of the physical act constituting the crime is not necessary before evidence of system becomes admissible.
3. The introduction of such evidence, tending to prejudice the accused, is not permissible before an issue has been raised in substance, if not in words, to which it is relevant, *e.g.*, in Smith's case, that he was absent from the bathroom at all material times.
4. The evidence, to be admissible, must be (*a*) to prove a course of conduct; or (*b*) to rebut a defence of accident or mistake; or (*c*) to prove knowledge by the prisoner of some fact.
5. Whether such evidence would be admissible if there were no *prima facie* case without it, *quaere*.

This was the matter left in doubt in Smith's case; as the Court expressly said, "We have come to the conclusion that there was . . . *prima facie* evidence that the appellant committed the act charged quite apart from the other cases." Mr. Justice Windeyer had said in the Makins' case, "It appears to me that the evidence . . . need not amount to such a case as would be required to justify the judge in leaving it to a jury."\*

Mr. Marshall Hall's contention that the judge should not have put to Drs. Spilsbury and Willcox the question whether the deaths

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\* 14 N.S.W.R. at p. 19.

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could be consistent with accident, as that was *the* question for the jury, recalls a conversation between Lords Brougham and Lyndhurst in old age; they were discussing Sir Francis Buller's oft-criticised question—whether the laurel water, in his opinion, was the cause of Boughton's death—to the great Hunter in Donellan's case. Lyndhurst—"I think that Buller had no right to put the question. The point was not in the province of any witness—it was the very question which was to go to the jury. What do you say, Brougham?" Brougham—"Buller was wrong; there can be no doubt of it whatever."\*

### (B.)—Questions of Legal Medicine.

All cases of death from asphyxiation, whether proceeding from drowning, hanging, strangulation, or suffocation, present certain characteristic post-mortem appearances. Shakespeare has given an enumeration of them in language of which all men have long recognised the beauty, while medical men have recognised its fidelity.

Warwick, gazing on the corpse of Gloucester, exclaims—

See how the blood is settled in his face.  
Oft have I seen a timely parted ghost,  
Of ashy semblance, meagre, pale and bloodless  
Being all descended to the labouring heart,  
Who in the conflict that it holds with death,  
Attracts the same for aidance 'gainst the enemy;  
Which with the heart there cools and ne'er returneth  
To blush and beautify the cheek again.  
But see, his face is black and full of blood,  
His eyeballs further out than when he lived,  
Staring full ghastly like a strangled man;  
His hair uprear'd, his nostrils stretched with struggling;  
His hands abroad display'd, as one that grasp'd  
And tugged for life and was by strength subdued.  
Look on the sheets, his hair, you see, is sticking;  
His well-proportion'd beard made rough and rugged,  
Like to the summer's corn by tempest lodged.  
It cannot be but he was murder'd here;  
The least of all these signs were probable.†

Where, however, a death is due to drowning—and many bodies die in the water from other causes, such as syncope, shock, or a stroke—only about 25 per cent., according to Ferrier (*Quain's Dictionary, sub verb. Drowning*), die of pure asphyxia, while in 12·5

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\* Sir T. Martin's "Life of Lyndhurst," 28 In.

† Second part of King Henry VI., Act III., Sc. ii.



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per cent. of deaths in the water there is no asphyxia at all. Suspension of efforts at respiration due to early loss of consciousness affect the post-mortem appearances, both internal and external. Less water is swallowed; there is less congestion of blood in the face, and less bloody froth in the lungs and mouth.

Death may occur from drowning without any water being found in the stomach (Dixon Mann, 240, 241). As to the time sufficient to produce death, where there is complete submersion, if the efforts to breathe are continuous—in other words, if consciousness is not lost from some independent cause—one minute and a half will suffice (Taylor I., p. 650; "One and a half minutes complete submersion is fatal, provided that the ordinary respiratory efforts are made while submersion is complete"). In one case there was complete insensibility within a minute (Taylor I., p. 647). Where a girl fell into the water in a state of syncope, she recovered after six minutes' immersion; and trained divers, who, of course, do not attempt to breathe under the water can remain submerged for two or more minutes, but of two divers going under water with apparatus whose air supply was cut off, one who was brought to the surface within a minute and a half survived, while the other, who was not brought to the surface under two minutes, did not survive (Taylor I., p. 647).

As to the degree of violence necessary to overcome the resistance of an adult who is being murdered in this manner, Taylor says—"It is the result of twenty years' experience of these cases that the resistance which a healthy and vigorous person can offer to the assault of a murderer intent upon drowning . . . her, is in general such as to lead to the infliction of a greater amount of violence than is necessary to ensure the death of the victim" (Dublin Quarterly Journal of Medical Science, Feb., 1853).\*

But this authority, high as it is, needs to be profoundly modified where the struggles of the victim are confined by the sides of a bath. There being no example of a similar murder to those alleged against Smith to be found in any works on forensic medicine, one of the detectives engaged on the case persuaded a young lady of his acquaintance, who was a practised swimmer, to sit in a bath, in swimming costume, which was filled to the same height as the Herne Bay bath. She was aware that the experimenter was about to submerge her if he could; she was aware that his intentions were not felonious, and she was accustomed to having her head under water;

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\* Apart from the mysterious blood in the Mundy case, there was no evidence of violence in any of the three cases, except slight bruising of an arm in the Loftly case.—E.R.W.

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yet with all these circumstances in her favour as compared with Smith's victims, she was unable to get her head above water, after it was once submerged, and consequently unable to cry out, and she almost instantaneously ceased to struggle, whereupon the experiment was at once discontinued; but not before the experimenter had satisfied himself not merely of the possibility, but of the ease, with which an ordinarily vigorous man could destroy life in the manner in which Drs. Spilsbury and Willcox opined Smith might have murdered Miss Mundy (see their evidence).\*

Other experiments carried out in empty baths satisfied several detectives that, using certain means, a woman might be held under water without inflicting any bruises upon her.

I will now proceed to a separate consideration of the three cases. The Herne Bay bath was 5 feet long, inside, at the top; 3 feet 8 inches along the flat bottom; the width at the sloping end was 2 feet at the top and 1 foot 6 inches at the bottom; at the other end it was 1 foot 7 inches and 1 foot  $1\frac{1}{2}$  inches. Its depth was 1 foot 4 inches at the sloping end, and  $\frac{1}{4}$  inch more at the other end. The deceased was 5 feet 9 inches high, and this was the position in which Dr. French found her—"The face was upwards, the trunk at the sloping end, the feet out of the water resting on the side of the bath a little below the edge. The position of the body kept the legs from slipping down. The head was submerged, and the trunk partially so. The mouth was under water; her arms rested by her side. The right hand contained a piece of soap. The bath was just over three parts full. (In other words there were at least 12 inches of water in the bath.) The legs were out straight—straight from the trunk."†

As to the theory of epilepsy, which was accepted by the jury, I will let Dr. French speak for himself—"Further than his saying that she had temporarily lost consciousness, he could not get anything very definite out of him." Although the grounds for regarding it as an epileptic fit were very slight, he prescribed bromide of potassium‡ (not only a specific in epilepsy but a general sedative). The probability of a woman having her first epileptic fit at thirty-five appears to be over twelve to one.‡ Quain states that only 6 per cent. of cases first occur after thirty years of age. The probability of a person having a fit of this sort and not giving the warning scream, which

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\* Mr. Smith's own review of the medico-legal aspects of his case will be found in his letter in the Appendix.

† From his deposition at Bow Street.

‡ Allbutt VII., 769. It is twelve to one for both sexes, but there are twenty per cent. fewer women epileptic at this age.

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is so characteristic as once heard is never to be forgotten, is about three to one.

The probability of a person having such a fit and getting into the position described, the lay as well as the medical reader can, after perusing the medical evidence, judge for himself.

Mr. Mowll and his jury did not see the bath nor ascertain the position of the body in it; they had no measurements, and they never tested, as Inspector Neil did, the possibility of the bath being filled by the deceased woman in the half hour that Smith said he was out of the house.

The theory of epilepsy finds little support, again, from the post-mortem appearances; the face was dusky—blue all over—and much congested with blood; there was froth, which flowed out of the mouth, and on pressing the chest water flowed out of the mouth, facts indicating continued efforts at respiration after the face was submerged, and negating the notion of a fit.

The piece of soap clutched in the right hand was a matter of some comment. Counsel spoke of the expression that "drowning men clutch at a straw" as figurative. In a sense it is; but the figure of speech rests on a well-known truth of forensic medicine. There is unusual unanimity amongst the authorities on this point. Professor Glaister refers to "the presence of objects in the firmly clenched hand—as weeds, grass, sticks, or other objects," as a safe indication that death was due to drowning (Med. Jur., 127).

"It is certain," says Poore (Med. Jur., 370), "that a man who is drowning does clutch at anything with which his hands come in contact." "The presence of substances clutched in the fingers—due, in the first instance, to a vital act subsequently rendered permanent by instantaneous cadaveric rigidity—is evidence of submersion during life" (Dixon Mann, 237). "Vain clutchings are made at whatsoever comes within reach" (Ferrier).<sup>\*</sup> It is also generally stated by the authorities that instant rigor mortis, "lasting until putrefaction, is more common in drowning than in any other form of violent death met with in civil life" (Taylor L., 656; cf. p. 650, and Dixon Mann, 236).

Re-examined as to the soap, Dr. French said that if a person died suddenly with a piece of soap in her hand the grasp would be continued after death; and Dr. Spilsbury, recalled, said, "If only consciousness is lost, the soap would probably drop out of the hand by the relaxation, but if death occurred immediately, then the object

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<sup>\*</sup> Ferrier adds, "The indication of such instinctive efforts form the most important evidence of submersion during life."

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might be retained owing to this condition of instantaneous death stiffening," and the body would retain its ante-mortem position. Taylor has stated that some of the bodies after the Regent's Park disaster of 1867 were "stiffened in the attitude of active exertion, the hands and arms being thrown forward as if sliding or skating" (I. 651). In that case, however, the cold may have produced stiffening by solidification of subcutaneous fat, which may have been confounded with true rigor mortis (*cf.* Prof. Harvey Littlejohn, *Edin. Med. Rev.*, Feb., 1903, p. 137).

A difficulty that remains as to the piece of soap is that if Dr. French's memory was to be trusted after three years, cadaveric rigidity had not set in when he saw the soap in the hand. "I do not think it was stiff. . . . It was limp." "Any part of it was not stiff?" "No."\*

A word as to the blood seen by Mrs. Millgate about the waist of the body. As Mr. Marshall Hall seems to have suggested that each fatal seizure occurred during a period—a suggestion that renders Smith's conduct in each case still more astounding and revolting—it may, with diffidence, be suggested that this blood, the nature of which was never explained, may have been due to post-mortem bleeding from the vagina. In the case of the "Ireland's eye" murder, Mrs. Kirwan was found to be bleeding from the ears and private parts. After the conviction of Kirwan, Dr. Alfred Taylor contributed a paper and Dr. Thomas Geoghegan another on the medico-legal aspects of the case. Dr. Taylor wrote—"It is a rare condition of asphyxia and not a constant accompaniment or sign of the suffocation or strangulation of females." And he adds—"I have not known it to occur in drowning." Dr. Geoghegan, from the experience of colleagues, found it quite common in the strangulation of women in judicial and suicidal hanging. "Vaginal bleeding has been frequently noticed in hanging and strangulation," he says, but while admitting that the "subject appears not to have sufficiently attracted the attention of medical jurists," he seems to regard it as peculiar to death from strangulation, as apart from other forms of asphyxia.†

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\* The firm clutching in the hand after death of articles retained by it in *articulo mortis* is common to all cases of asphyxia. Mary Paterson, Burke and Hare's beautiful victim, had "twopence halfpenny, which she held fast in her hand." Mrs. Hostler, another victim, "had ninepence halfpenny in her hand, which they could scarcely get out of it after she was dead, so firmly was it grasped." Burke's *Courant* Confession, Appendix I., Trial of Burke and Hare. —E. R. W.

† Taylor's paper will be found in the *Dublin Quarterly Review of Medical Science*, February, 1853. That of Dr. Geoghegan, Professor of Forensic Medicine to the R.C.S., Ireland, has been separately published, "An Examination of the Medical Facts" in *R. v. Kirwan*. Taylor's paper is also reprinted in

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It will probably suggest itself to medical readers that the great venous congestion in all cases of asphyxia may render such post-mortem bleeding no less likely in asphyxia from drowning as from other causes of death of the like sort. In the few cases in our reported criminal trials there were other things to account for the bleeding that was observed, and authority is very scanty in the treatises on legal medicine.

The *cutis anserina*, which Dr. Spilsbury found, was of little importance in determining the cause of death. It is a sign of exposure to water at the time of death, and not of death from the immersion in water (Taylor I., 650). Dr. Spilsbury agreed that it was found in sudden deaths, other than from drowning, but the weight of authority seems to be that *cutis anserina* has no value bearing as on the cause of a death occurring in water.

A last word on the Mundy case. Smith, it will have been noted, informed the relatives that "Bessie died of a fit in a bath." That is not what Dr. French said—he was always clear that death was due to drowning—but the appearances, in the case of a body of a man of thirty, who died of an epileptic seizure in a bath and not from drowning have been recorded by Taylor (I. 659, 660). Much congestion of the brain was noted, in the right ventricle only a small clot of blood, otherwise the cavities of the heart were quite empty. The body of Miss Mundy was so decomposed when Dr. Spilsbury examined it that he could say little as to either heart or brain.

In the case of Alice Burnham, very little water was found in the body by Dr. Billing—so little that he even doubted that death was due to drowning. As we have seen, the absence of water is not inconsistent with death from drowning. The Blackpool bath measured 5 feet 3 inches long inside, and the flat bottom was 3 feet 9 inches long; the width at the sloping end was 2 feet 3 inches at the top and 1 foot 2 inches at the bottom; at the tap end the width was 1 foot 3½ inches, and 1 foot at the top and the bottom respectively. The depth at the centre was 18 inches; and the bath was full to within 1½ inches of the top, even after the head was raised out of the water. The body was quite limp when Dr. Billing saw it; he opined that death was due to drowning, but we are without any description of the post-mortem appearances in this case. From the absence of anything about the colour of the face or of a bloody froth about the

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"The Kirwan Case." (Dublin: J. B. Gilpin, 1853). Any species of suffocation, said Robert Christison in *R. v. Burke*, may cause a discharge of blood after death. See Burke and Hare, p. 195.—E.R.W.

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mouth and lungs, and from the small quantity of water found, it is a legitimate inference that death in this case was not brought about solely by asphyxiation, but that there may have been an early loss of consciousness before the efforts to breathe had become very distressing.\*

As to the theory of epilepsy in this case—and it was hardly maintained by Mr. Marshall Hall—not only was there no suggestion of the monitory scream, but a history of an alleged fit at nine years of age, followed by no more at the critical period of puberty, and only succeeded by one after a will just made in favour of an impecunious husband about seventeen years later, may justly be dismissed as of no importance, as Dr. Bertram Stone dismissed it, “because the history is so indefinite.”

The post-mortem appearances in Margaret Lofty's case point to asphyxiation as the main cause of death. The lips were blue and swollen, the whole of the face was congested and the eyelids swollen, and there was froth exuding from the mouth and nostrils. Of violence the only traces were one externally visible bruise above the left elbow, on the outer side, and other bruises, recent, beneath the surface. Dr. Bates perceived no blood near or about the body; some bloodstains on an undergarment were susceptible of a very obvious explanation, and indicated neither violence nor the existence of a period at the time of death. Evidence of old pleurisy and peritonitis was noticed by Dr. Bates, but no suggestion was made that either disease had any bearing on the death. There was no evidence as to the position of this body in the bath. When first seen after the murder by Miss Blatch the corpse was being held up by Smith over the bath, the legs being still in the bath, and whether she had faced the sloping or the narrow end was not made clear. The bath was 5 feet 6 inches long at the top, 4 feet 2 inches along the flat bottom; at the top of the sloping end it was 2 feet 1½ inches, narrowing down to 1 foot 6 inches. At the tap end the width was 1 foot 6 inches, narrowing down to 11½ inches. There was no evidence as to the height of the water in the bath.

A view remains to be examined, which may serve to explain the extraordinary sexual familiarity which established itself so early and so easily in the relations of Smith with his brides—the last in particular. It was brought to my notice by a correspondent that hypnotic suggestion might have played a part in causing these three women, not only to place themselves in the very singular situations

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\* The reader may consult Brouardel's well-known treatise, of which there is an English translation, “*La morte et la morte subite*,” and Dixon Mann, pp. 38-40, and again at p. 329, where he records a sudden death from heart paralysis caused by excessive mental perturbation.—E. R. W.

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in which they did, but even, without physical effort on the part of Smith, to drown themselves! Sir Edward Marshall Hall, whom his conspicuous and my more modest public engagements prevented my conferring with until a late stage in the preparation of this volume, in a letter states:—"I am convinced he (Smith) was a hypnotist. Once accept this theory, and the whole thing—including the unbolted doors—is to my mind satisfactorily explained." Little is known to professors of legal medicine in England of the power of hypnotic suggestion to cause a person to do an act morally or otherwise repugnant to him or her.

Albert Moll, as quoted by Georges du Bor, states that hypnotic suggestion plays no part in the seduction by a man of a woman. That woman would have given herself to that man anyhow. A. E. Davis,\* in his "Hypnotism," after ridiculing the sexual psychology of "Trilby," in which Svengali, by mesmeric art, compels the surrender of the heroine to his revolting person, she being all the while in love with Little Billee, proceeds to state that, in his experience, it is quite impossible, by hypnotic suggestion, to compel persons to do an act which is morally, æsthetically, or on grounds of religious or similar scruple repugnant to them (pp. 110-111).

Such, too, was the effect of the evidence of Dr. K——, now a member of the bar, in a case in which he was plaintiff (*Kingsbury v. Howard*, July, 1898) in a contested probate action, and in which he was alleged to have induced his lady patient to make a will in his favour. His defence succeeded. On the other hand, the authorities collected by Wingfield in his "Introduction to the Study of Hypnotism," are far more guarded. Moll thinks that, by repeated hypnotic suggestion a person could be "willed" to commit a crime. Forel proved this by compelling a subject to fire twice at a man with a pistol, loaded, but not to his knowledge, with blank cartridge. Von Eulenberg, von Schrenck-Notzing, and other eminent German and Austrian psycho-therapists seem to agree. I think I am correct in stating that in Russia once, and in France twice, a woman has successfully put forward as a defence in homicide hypnotic compulsion by a man.†

In my view, the simple explanation that the unhappy women were in love with Smith explains all. The respondent, in one of the two famous political divorces of the mid-eighties, said of the co-

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\* Professor of Psycho-therapy to Liverpool Hospital.

† Lord Justice Scrutton informs me that he accepts neither the hypnotic theory nor the theory that poisonous vapour was put in the bath water. Digital pressure *per rectum* on the spinal column is an alternative based on a doctor's personal experience with a violent lunatic.—E. R. W.

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respondent, "If Charles had asked me to stand on my head in the middle of Piccadilly, I would have done it."

Certain definite evidence, moreover, indicates the use of some physical violence by Smith—the hair at the sloping end of the Black-pool bath, the overflowing of water from it, the sound of the wet arms and the sighing, as of one struggling to get breath, at Highgate. Smith's own autograph note to Mr. Shearman, which that learned counsel gave to me, to my mind, went strongly to show that he—an ex-gymnasium instructor—knew how to accomplish such murders without bruising the victim. And the experiments of Mr. Neil confirm the possibility.

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### III.

#### Studies in Psychology (I.)—The Psychology of Sex.

A popular and prolific French author (M. Paul Bourget) has in a work marked by all the vigour of youth and all the enthusiasm for his subject of a good Frenchman, endeavoured to analyse the constituents of a "lady's man." Looks count for little; education for nothing. "Mais le tact de l'homme à femmes est quelque chose de tout particulier—presque un organe—comme les antennes chez les insectes—presque un instinct, car l'éducation n'y ajoute guère. Cet homme, par exemple, du premier coup d'oeil, juge exactement quel degré de chance il a auprès d'une femme à laquelle il est présenté. Il dira mentalement—Celle-ci est pour moi, celle-là, non."\* And, after a consideration of typical men, he concludes—"Mais ils avaient tous ce fond de tempérament où gît la force vitale."

Smith's protective antennæ seem to have guided him well enough in the search for likely victims; where they failed him was in the inability to warn him of the women in whom his pronounced sexuality aroused an instant and an enduring antagonism. On men, on the other hand, he produced no impression, but one of insignificance and commonness—"Just like any butcher" was Mr. Neil's appreciation.

It has long been recognised that two radically different types of men favourably impress women: the type possessing a marked femininity of character enabling its possessors to understand women from their own point of view, and those of a very pronounced masculinity, who succeed by riding rough-shod over the finer feelings of women, and whose success is due to the arousing of woman's primi-

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\* "La Psychologie de l'Amour Moderne."



## George Joseph Smith.

tive desire to be mastered—a desire which is normal within limits, but when abnormal is styled by the professors of sexual psychology Masochism, to distinguish it from its counterpart, the abnormal desire to inflict pain (within limits physiological in the male at least), which is known as Sadism, each term being derived from the man of letters, who stands as a type of the abnormally submissive and the abnormally masterful and cruel.

George Joseph Smith was undoubtedly a male whose love for mastery over women, including the infliction on them of humiliation (witness the letter to Bessie Mundy of September 13, 1910, the circumstances of each desertion of a robbed bride, and the invariable exposure of the nude corpse of a murdered bride to the gaze of strangers of either sex) approached the pathological limit where the normal masculine desire merges into Sadism; but, unlike Neill Cream, Chapman, or Jack the Ripper, Smith was not driven to murder through an overmastering impulse of Sadism, the pecuniary motive being the all-powerful one, murder being only undertaken where robbery could not be accomplished without it. In Cream's case the motive of pecuniary advantage through blackmail was very unsubstantial, and there is little doubt that the half crazy doctor was a victim of the most dangerous of sexual perversions, one which accounts for a great deal of what is most unsavoury in the divorce Court. As to the physical attractions of Smith, he had, it seems, a certain magnetism about his eyes. A woman writer in a popular morning paper has told of the "Irresistible feline luminosity in the eyes" of the sexually attractive man; and Smith's first bigamously married bride has described him thus—"He had an extraordinary power over women. This power lay in his eyes. When he looked at you for a minute or two you had the feeling that you were being magnetised. They were little eyes that seemed to rob you of your will."\* He was accustomed to indulge in such practices as wife-beating. "Often," says the authority quoted, "he has beaten me black and blue. Once he locked me in a cabinet folding-bed."

Smith made no pretence of fidelity to this bride; indeed the occasion of one flogging arose out of an amour. I will give the story in the woman's own words. "Often he used to brag to me about his numerous women acquaintances. Once I met one of his victims with him and warned her to her face about him. She was greatly shocked, and said she had always regarded him as a good, religious man. That night he came home and thrashed me till I was nearly

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\* See the *Weekly Dispatch*, August 15, 1915. The spell of his eyes was noticed by his counsel in their first interview with him in Brixton prison. In their case the look in his eyes caused a sensation of fear.—E. R. W.

## Introduction.

dead." Whether or not his various "victims" were so simple as to believe in his whole-hearted devotion, it remains an everlasting truth that women are not much attracted by want of enterprise in the male. To a wife, at least, to have a *roué* for a husband is an indirect compliment to herself. As Valera says ("Doña Luz," p. 205), "Even the most moral and religious young woman likes to marry a man who has loved many women; it gives a greater value to his choice of her." Professor Hans Gross well says—"Only the very young, pure, and inexperienced girl feels an instinctive revulsion from the real *roué*, but other women, according to Rochefort, love a man in proportion to the number of other women who love or have loved him. This is difficult to understand; but it is a fact that a man has an easy task with women if he has the reputation of being a great hand with them. Perhaps this is only an expression of the conceit and envy of women, who cannot bear the idea that a man is interested in so many others and not in themselves. As Balzac says, 'Women prefer most to win a man who already belongs to another.' The inconceivable ease with which certain types of men seduce women, and at whose heads women throw themselves in spite of the fact that these men have no praiseworthy qualities whatever, can only be so explained. Perhaps it is true, as is sometimes said, that here is a case of sexuality expressing itself in an inexplicable manner." Johnson's famous dictum falls naturally alongside the Austrian jurist's. "'Ladies set no value on the moral character of men who pay their addresses to them; the greatest profligate will be as well received as the man of greatest virtue, and this by a woman who says her prayers three times a day.' Our ladies endeavoured to defend their sex from this charge, but he roared them down: 'No, no; a lady will take Jonathan Wild as readily as St. Austin, if he has threepence more. . . . Women have a perpetual envy of our vices; they are less vicious than we, not from choice, but because we restrict them.'"

Havelock Ellis has observed that "There is no such instinctive demand on woman's part for innocence in a man," but he adds by way of qualification—"This is not always or altogether true of the experienced woman."\*\*

But while, as we have seen, Smith without money, manners, education, or even appearance to recommend him, produced invariably an effect on women, though that effect was at times the reverse of favourable, men carried away no distinct impression of him. Mr. Burnham did indeed dislike him, but so faint was the personal impression that he was unable to pick him out at Bow Street.

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\* "Studies in the Psychology of Sex" VI., 44.

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One witness alone, Mr. J. H. Robbins, is shocked by Smith's greed after money—when he claims half-commission on the murdered Blackpool bride's policy; but for the most part the quiet professional men, with whom he comes in contact, see nothing to notice about him. The solicitors, the doctors, the bankers, house agents, insurance agents—even the coroners, those men of more than ordinary perspicacity—to each and all he appears in no wise out of the ordinary; indeed, upon the bank managers he must have produced a mildly favourable impression, for he opens account after account in false names, without references, and in one case to the manager's knowledge has only an accommodation address, "where they call themselves confectioners. It is a sort of small mixture of milk and groceries."\* P.C. Heath, who, as having had a good opportunity to notice him at Bismarck Road, was asked by Inspector Neil to keep watch for him outside Mr. Davies's office, was unable to identify him. His eyes, with their suggestion of mesmeric powers apart, there was nothing in his appearance or manner that struck Mr. Shearman, who had constant opportunities for studying him at Bow Street and at the Central Criminal Court. His main endeavour seemed to Mr. Shearman to be to pass for a gentleman of independent means and of culture. To produce such an impression he went so far as to wear a frock coat and tall hat at Herne Bay in August, where such raiment would certainly arouse remark.

Yet he had only to be in physical propinquity to a woman, and she at once became aware that she was in the presence of a man of some mysterious powers over her sex. To the wife of a high legal functionary he appeared an attractive man; that acute criminologist, the late H. B. Irving, during the trial was seated next two fashionably attired ladies of pleasure, and these vied with one another in praise of the prisoner's charms. At the Police Court the eagerness with which women thronged round him in the dock was the subject of indignant comment in the papers; and at the Old Bailey the police had special instructions to make it as difficult as possible for women to be present. On the other hand, even in cold print, the dislike of the man that instantly possessed such witnesses as Mrs. Tuckett and Miss Rapley appears unmistakably.

There is one masculine failing which women find it peculiarly difficult to overlook in a man; yet Smith possessed this failing in a marked degree—petty meanness in the matter of money. To Edith Pegler he sends only the smallest sums, and his ideas of a honeymoon jaunt stop short at places which are either free to the public

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\* Mr. E. H. Bellamy's evidence.

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or are to be entered for a modest expenditure; it is Brockwell Park, the National Gallery, or a shillingsworth of the White City; and he leaves Alice Reavil to pay for the food!

"In all the transactions of his infamous life," wrote Mr. Sims in "Bluebeard of the Bath," "whether he was Jekyll or whether he was Hyde, he was abominably mean. He never squandered a farthing of his ill-gotten gains. He rarely, when absent from his Bristol wife, sent her any money. When he decided to murder Miss Mundy he bargained for the bath, did not pay for it, and when he had committed in it the murder for which he had obtained it, he sent it back again, not even paying a small amount for the hire of it, although by using it he had obtained between two and three thousand pounds. He never wasted a farthing on any of the young women whose money he was going to get by murdering them. When arrested, although he had made many thousand pounds by the most economical form of murder possible, he was wearing a suit of clothes for which he had not paid. They had not been paid for when he was hanged."

He sells Bessie Mundy's clothing before it has come back from the laundry and does not settle the laundry bill, which Mrs. Millgate has paid. He disposes of Alice Burnham's wardrobe and rings, and grudges her remains a pitch-pine coffin when deal would do as well. He takes Miss Mundy away from Weston-super-Mare, and does not settle with Mrs. Tuckett the £2 10s. owing. He takes Mr. Crabbe, a working man, away from his work to witness his marriage and does not pay him a penny. He promises to remunerate Mrs. Crossley for her trouble, and gives her nothing but his address for her to forward him the local papers. And he tries to get out of paying Mr. Annesley's bill.\*

Though he claims half-commission from Mr. Pleasance over Alice Burnham's policy, he leaves her mother and brother to pay for their modest lunch at the "Company House," where he has choked the life out of their dear one. But when he is in danger himself, no considerations of expense restrain him from securing what he deems the best professional aid.

How it came about that such a man was able to impose his will so absolutely on three different women, each coming from a home superior to his, and each boasting a greater degree of education, and to leave on each an impression of kindness, truthfulness and genuineness so absolute that, forsaking the natural ties of the flesh,

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\* On December 28, 1912, Smith writes that on "counsel's advice" he is not paying Mr. Annesley his fee. I believe the reference to counsel to be a pure invention.—E.E.W.

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they surrendered all to him that they had in the world—their bodies and their belongings with equal abandon—can best be treated in a study of the criminal himself in some detail.

### Studies in Psychology (II.)—L'uomo Delinquente.

The fascination which very depraved men exercise over women has long stimulated criminologists to discover—hitherto with little success—what common attribute bad men possess which makes them so ingratiating to the sex. “Duval, the ladies’ pride, Duval, the ladies’ joy,” in common with the other highwaymen, doubtless owed his success to the false romanticism with which the “Beggars’ Opera” and less enduring literary tributes contrived to invest the lives of the knights of the road. But the uncomely Sheppard, the hideous Peace, the commonplace Palmer, those “two singularly common and ordinary persons,” Pranzini and Prado, and many another whose crimes are unsung, were equally, in their day, the objects of passionate adoration, in some cases on the part of women much above them in station, and their shameful and well-deserved ends a fruitful cause of tears and heartaches.

“This former conductor of Pullman cars,” observed M. Bourget of Pranzini, “is mourned in many a lady’s bed.” Smith, however, like Dougal, the Moat Farm murderer, belongs specifically to that small band of criminals, of whom Vitalis is an exemplar, who thrived on the exploitation of feminine weakness and, so far as is known, avoided forms of crime in which the ability to deceive women would not have availed.

The resemblances between Dougal and Smith are more than superficial. The Moat Farm murderer had also been in the Army, and his known relationships with women included (1) Miss Griffiths, whom he married, and who died in Canada under suspicious circumstances, being hastily buried without a death certificate; (2) a second wife, a young woman of means whom he married on August 14, 1885. She died in a few weeks in Halifax, Nova Scotia, and was buried beside the first wife in a neglected grave; (3) a Halifax girl, with whom he lived and by whom he had a child. He several times threatened to murder her, and abandoned her; (4) a widow, by whom he had two children, and whom he then left to take small positions in clubs at Stroud Green and Southend; (5) a young unmarried woman of means, with whom he got in touch through a matrimonial agency. He induced her to live with him and to sell her property and give him the proceeds; (6) the third Mrs. Dougal, a good-looking woman, whom he married against her parents’ wishes



**G. J Smith.**

From an official photograph taken in Brixton Prison.

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in August, 1892; (7) an elderly lady, with money, who took a public-house for him at Ware. He was suspected of arson here, and was convicted of forgery; (8) his last victim, Miss Camille Holland, an elderly lady of means, whom he met after serving his sentence. She was very musical, artistic, and literary, and also very religious. In point of education and status she was far above Dougal. Yet she lived with him as his wife, without scruple.

At the time of the murder of Miss Holland, Dougal was endeavouring to seduce—if that word be not too mild to cover what went to the verge of an attempted crime—their maid, and he was industriously running after several other young women in comparatively humble life. In all cases the women's property was at his disposal equally as their persons. He had the education of an N.C.O. of the old-time Army, but was far from being a man of polish. Educationally, however, he was the superior of Smith. "Mr. Philip Curtin" and others having represented Smith as a man who affected belles-lettres and who could turn out a pretty sonnet or *billet-doux* to a lady, let me here say, once and for all, that a man with smaller pretensions to literary skill one could not come across. He was utterly incapable of writing a grammatical sentence or of spelling the commonest words. In a note before me now he writes "wader" repeatedly for "warder," and "difficulity," "voilence," and "brusies" for the familiar words they are meant to represent. In a letter to the secretary of a West End club he writes "diss-advantage," "attatched," "obivious," and "conserned"; and in a letter to Mr. Davies he writes "in fain," "attemt," and "solomn." Like some better educated people, he never could distinguish "principal" from "principle." Though we had been at war with Germany for nearly a year when he was tried, the acquaintance of Mr. Smith with public affairs and with history was well evinced by the note (reproduced in facsimile) in which he speaks of "several jerman or foreign women." As for his grammar, it was nearly as bad as his heart, and sufficiently appears from his letters put in as exhibits.

What, then, is the explanation of the fascination of Dougal and of Smith? Readers of Havelock Ellis will remember that that shrewd observer has remarked that nowhere does the trained observer meet with more sensual women than are to be found in quiet homes and country vicarages. What to the common eye seems a demure young woman of the middle class is to the eye of "le vrai l'homme à femmes" a woman who may worship at the chapel or in her father's church, but in secret she is also a worshipper of the pagan divinity Priapus. "Those cunning little eyes," which

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"blinked uneasily" while Mr. Justice Scrutton was lashing their possessor with his tongue, could read very well the mind of a woman, and could see whether in the depths of her eyes could be traced the smouldering fires of passion, all the more ready to burst into flame from the constant repression of desire forced on her by the daily round and common task, be it governess or lady's companion, or young lady in business.

And having once gained the sexual mastery, how absolute is the villain's control! He writes to Bessie Mundy—"I have caught from you the bad disorder; for you to be in such a state proves you could not have kept yourself morally clean." He decamps with Bessie's money, and apparently with most of her clothes, and when they next meet, at Weston-super-Mare, "there he was looking over the sea," and despite the remonstrances of Mrs. Tuckett, she goes off with him in her shift, not troubling to come back to pack a bag with a night-dress! He takes her to the solicitor's, and there, before her, concocts the most unblushing lies—it is he who, through some indiscretion, had supposed himself infected. The man of law writes as instructed. Smith writes to the brother in stilted style reminiscent of poor Aram's compositions—"I know not how I shall offend in dedicating my unpolished lines to you, nor how you will censure me for using so strong a prop to support so grave a burden"—and Bessie adds, "My dear Howard, I trust you will try and forget the past as I have done"—(she who had written, "The man came across my path. . . . I am very sorry. . . . I feel it is a mercy I am rid of him. I do hope my husband will be caught. I feel I have disgraced myself for life")—"I know my husband now better than ever before. You will be pleased to know I am perfectly happy." Perfectly well, according to Dr. French when he last saw her alive about 3 p.m. on the Friday, she sits down to write that letter, which arrived with the telegram announcing her death—"I have made out my will and left all to my husband. That is only natural, as I love my husband." What art has the monster practised that deep-rooted loathing and deserved contempt are banished and confiding submission rules this poor creature on whom Death is so soon to lay his icy grasp?

Alice Burnham, though younger in years than either of the other murdered brides, was more accustomed to the ways of men. She had contracted a malady, which was not named in Court, though it will be found discussed in the evidence of Dr. Bertram Stone, under re-examination, and again in the cross-examination of Dr. Spilsbury, when recalled. It had set up septic peritonitis, and, without lifting the veil, which the Court suffered to remain drawn, it may be added



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that it was thus alluded to in a letter from Dr. Stone to the North British and Mercantile Insurance Company, "I have obtained leave both from Mrs. George Smith and her husband to give full details of the unfortunate episode in her life. Mr. George Smith is aware of all that occurred."

The knowledge so obtained by Smith may account in a measure for the influence wielded by him over the least weak-willed of the victims. How absolute that influence was appears from the correspondence. Alice writes to her father on November 22, giving him until the first post on November 25 to pay her the £100; but on the 24th of that month she had already instructed solicitors "to take extreme measures." It had taken only some two months for Smith to root out all her natural affection and sense of filial duty, and to plant in their stead a boundless belief in himself—"I have the best husband in the world," wrote the deluded, doomed bride a few short hours before she was robbed of life.

If, in reviewing the ghastly sequence of events during the few days at Blackpool, one may permit oneself to indulge in the whimsical method of De Quincey and to recognise that "murders have their little differences and shades of merit, as well as statues, pictures, oratorios, cameos, intaglios, or what not," then the murderer will be seen to have advanced in his dreadful art since the Herne Bay affair. So certain is he of accomplishing his object that he carries out the crime in a room directly over one he knows to be in occupation; having fulfilled it, he descends to that room, and, struggling to appear unconcerned, engages in talk about a fire engine! He must have learnt something, too, about the possibility of resuscitating the apparently drowned; alone, at 80 High Street, he can leave his victim submerged for as long as he pleases; but in the Company House every moment is precious. The murderer returns with his bride just before eight; about 8.15 the water is observed to be dripping through the ceiling; at 8.35 Joseph Crossley is summoned back from his work to fetch the doctor to what Smith knows to be but a corpse. Immediately Dr. Billing sees Alice Burnham he exclaims, "She is dead."

Tidy has recorded a case, which must surely be exceptional, of recovery after twenty minutes' immersion.\* Smith on each occasion was present when artificial respiration was tried. It would need the pen of De Quincey or an Edgar Allan Poe to conjure up the scene, if at Regent Road, Blackpool, or Bismarck Road, High-

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\* "Legal Medicine" II., 376, from Amer. Jo. Sc., April 22, 1853. He gives other cases of ten and fifteen minutes and one of an hour, which last he cannot accept.—E. R. W.

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gate, Smith had watched the return of animation and had beheld the awful physical traces of his crime one by one disappear under the doctor's art—the congested blood leave the cheeks, the lips resume their normal hue, the eyes, "staring full ghastly," take on again the tender look they wore when conscious life was suspended, and then, as comprehension came back, had seen the "bride" lift her accusing finger, from which he had already snatched the rings, fond emblems as she supposed of hal-lowed love, to denounce the cold-blooded assassin, who but a few short hours before had held her in his arms and caressed her with all the tenderness with which devotion can mask the impetuous desires of the lover!

When we dwell on the commonplace incidents of the fatal Friday—the tapioca pudding, the inquiry if it had been relished, the evening stroll, the appalling deed while the homely north-country family are enjoying their late tea below, the casual entry of the murderer—"full of agitation" withal—and realise that every detail of this seemingly insignificant winter's day was part of a well-laid scheme thought out many weeks before, and that the sinewy arms, while they hold the bride in the transports of love, are cunningly measuring her powers of resistance to a very different description of attack, we realise how utterly apart from normal men, even from criminal men of other types, the cold-blooded, mercenary murderer stands. One would have thought that Nature would have stamped on the lineaments of such fiends some warning of their dreadful characters; yet it has not been found so. De Quincey says of Williams—"The concurrent testimony of many witnesses, and also the silent testimony of facts, showed that the oiliness and snaky insinuation of his demeanour counteracted the repulsiveness of his ghastly face, and amongst inexperienced young women won for him a very favourable reception."

A correspondent of mine, whose father had once travelled with Palmer in a railway carriage, tells me that the father was very favourably impressed by the all-pervasive bonhomie of the poisoner. Hideous as Peace was, he was yet ingratiating. Nature seems to have endowed murderers with an extraordinary plausibility; they have a peculiar facility in lying, which Sir James Stephen noted a generation ago.

*Nemo repente venit turpissimus*, sang the Roman satirist, and Smith, in his last crime, was destined to transcend even his own performances. From the time Margaret Lofly left Bath (after those untruthful missives to her relations about the mythical old lady) to the time when P.C. Heath was summoned to her dead body at Bis-

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mark Road, was but some thirty hours. The bridegroom, his dreadful purpose locked in his bosom, comes at three in the afternoon of December 17 to the house in Orchard Road, and is repulsed from the door. There was "a bath that a person might lie in" in that house, and the man fears he will be balked of his prey. His rage finds free vent in the street. He drags off his feverish bride to other apartments, then to the doctor's, where she is naturally silent. Next day—and by what endearments he charmed away the vexations and anxieties of that Thursday and smiled away her maiden shame, murder all the while in his heart, my pen shall not essay to set forth in words, our language has no vocabulary in which to record such infamy as man never yet had descended to—next day, any suspicion Margaret might have entertained has vanished. It is nothing to her that he has been afraid to meet her relations; that he has compelled her not only to conceal the approaching marriage, but to lie about it, and to lie to the insurance company. It is nothing to her that at the cheap apartment house, where he has booked rooms for the honeymoon at sixteen shillings a week, a detective in plain clothes has refused him admittance. Overnight she has written from the second lodging-house, where she was so soon to meet death—"He is a thorough Christian man, whom I have known since June. . . . He has been *honourable* and kept his *word* to me in everything. . . . I am perfectly happy."

In the whole rogues' gallery there surely was never a knave so plausible as this, never one who, until detection came and his self-control suddenly gave way, could so completely mask his feelings.

Any man who reads carefully the evidence as to what happened at Bismarck Road, upon parts of which, as the learned judge observed, it is difficult to comment, must be aghast at the psychological puzzle this amazing criminal presents. The passionate lover of a single day's wedded life, just a week after the murder, sits down and pens the very bald and business-like statement (exhibit 109). It reads—"Certificate of birth, certificate of marriage, certificate of death, wife's will, policy, receipt for premium paid, official acceptance, receipt for burial."

One recalls that page in Palmer's diary, where under the date 21 Wednesday (325-40) is recorded "\* \* \* Cook died at 10 o'clock this morning. Jere\* and Wm. Saunders dined. Sent Bright a 3 mos. Bill," and under the date 25 Sunday—25 after Trin. (329-36). "At Church Hamilton preached—dined Yard."

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\* The notorious Jeremiah Smith, attorney.

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And yet superior persons wonder why, since bad people do not take any interest in the lives of good people, good people perversely wish to read about bad people!

But what elevates Smith to the highest pinnacle of infamy is that he played upon the very tenderest and most sacred of all our feelings to accomplish his crimes. Of bigamists and seducers and betrayers of women there have been and will continue to be many notable examples; but, complex as our human nature is, Smith provided the first, as his judge believed he would also furnish the last, instance of a man caressing in the closest embraces of marital love a woman, the exact moment and manner of whose death at his hands he had in his mind, while his lying lips were uttering to her words of the purest passion. He is wholly apart, from the point of view of sexual psychopathy, from the lust-murderer or mutilator, whose sexual erethism discharges itself in the commission of an act of homicide, or maiming, or in some form of infliction of pain. Smith plays with every success the part of an uxorious and devoted husband, and all the time the exact cash value of his bride to him as a corpse is present to his mind. The tender words and sighs of passion, fondly believed to be reciprocated, are breathed into ears which will hear unmoved in a few hours' time those same lips sighing and panting for life as the cruel water closes over them and for ever puts them to silence.

It would need more than De Quincey's pen, even, to call up before the shuddering reader that scene in the bathroom at Bismarck Road. The poor bride, her whole being throbbing, with a temperature of 101, the tiring winter's afternoon, in which there has been so much to do, a will to make here, money to withdraw there, closed by the fall of night, returns to their modest rooms; at once he soothes her; Miss Blatch enters, and there she is on her knees by the fire and he reading the paper—a picture of domesticity! She would like a warm bath; there are reasons; she would feel more comfortable. Utterly confiding, this bride of a day lets her bridegroom come in and invade her privacy. The natural shame of a woman before a man is gone already. She has given herself to this honourable Christian man, and henceforth she is his.

It is not decent to speculate—save in the privacy of the individual mind—as to what exactly happened in those few fatal moments round about eight o'clock on the night of December 18. It is barely possible to hold the pen and in the mind's eye try to visualise the scene.

The muscular arms, that could rend a chair asunder, are wrapt

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around the yielding body, his eyes look into her eyes, the melting, liquid light of passion shining in each. A last tender kiss seals eternally those lips, which have, perhaps, just uttered some confiding words of love. The strong hands grip the unresisting body; a fierce, feline look steals into the cunning eyes that a moment ago beamed so kindly. As her head plunges under the water what thoughts flood the mind of Margaret Loft? Drowning people, we are told, in the brief space of consciousness left them, pass in review every incident of their lives. What recollections and reflections must have raced through her brain! Each caress, every tender word, those letters, in which were revealed the harmony of their souls—all rushed back to her in that crowded last moment of consciousness. And he?

He is looking with professional concern for the signs, which are the heralds of death. The eyeballs are beginning to project—good! The face is blackening—excellent! She did get her head above water for a second and gave a little sigh; that was disconcerting, but it will pass for nothing, and he has locked the door. All will be over before he unlocks it. He can lift her head out of the water now, and judge the progress of the case. A bloody froth streams from mouth and nostrils—it is finished! Now to steal to the parlour downstairs and play as unconcernedly as he can upon the organ. What notes did it peal forth? Some dirge? Some *march funèbre*? Then out into the bleak night on an errand to buy tomatoes. And when he comes back there is that knocking on the door which, as in “Macbeth,” transfers our sympathy (“of comprehension by which we enter into his feelings and are made to understand them—not a sympathy of pity or approbation”) to the murderer. “In the murdered person all strife of thought, all flux and reflux of passion and of purpose, are crushed by one overwhelming panic; the fear of instant death smites him with its ‘petrifying mace.’ But in the murderer . . . there must be raging some great storm of passion—jealousy, ambition, vengeance, hatred—which will create a hell within him; and into this hell we are to look.”\*

Smith, not being “such a murderer as poet will condescend to,” the hell within him provided no material for sublime tragedy; merely materials for one of the longest and costliest murder trials these islands have ever known.

And if we could look into that hell within him, after he heard the fatal words, “This appeal is dismissed,” the only torments we should find him suffering from would be the “chagrin at the mistake in not securing immunity.” The mercenary murderer, without

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\* De Quincey on “Murder considered as one of the fine arts.”

## George Joseph Smith.

exception, can feel no contrition. The learned judge, in passing sentence, must have realised this. "An exhortation to repentance would be wasted on you." And in the two last letters from Maidstone, the one to his solicitor, the other to Edith Pegler, the usual canting and hypocritical expressions are mingled with the usual invectives against his judges and the unjust world which has consigned an innocent man to his doom.

The history of crime, like other history, "with all her volumes vast, hath but one tale." His end was like the end of all the others, except that he met it abjectly.

"The world contains," wrote Sir James Stephen, "an appreciable number of wretches who ought to be exterminated without mercy when an opportunity occurs."

Though

Fate will use a running noose  
For the best man and the worst,

I do not think the most ardent advocate of the abolition of capital punishment will deny that Fate, through the instrumentality of Messrs. Pierpoint and Ellis, made a most proper use of her running noose on August 13, 1915.

## Leading Dates in the G. J. Smith Case.

1872	11 January	George Joseph Smith born at Bethnal Green.
1891	7 February	Sentenced at Lambeth for larceny. Six months' hard labour.
1891-1893		Said to have served in the Northamptonshire Regiment.
1896	24 July	Sentenced to twelve months' hard labour for larceny and receiving.
1897		Goes at the end of the year to Leicester.
1898	17 January	Marries Beatrice Thornhill in Leicester.
1899		Goes through a form of marriage with Miss — at St. George's, Hanover Square Registry, London.
1900	11 November	Arrested in London.
1901	9 January	Sentenced to two years' hard labour for stealing and receiving at Hastings.
1908	3 July	Defrauds Mrs. — under a promise of marriage.
	30 July	Marries Edith Pegler at Bristol.
1909	June	Meets Miss F——.
	29 October	Marries Miss F—— at Southampton.
	5 November	Absconds with all Miss F's property.
1910	26 August	Marries Bessie Mundy at Weymouth.
	13 September	Absconds with all Miss Mundy's cash.
1912	14 March	Meets Miss Mundy at Weston-super-Mare.
	20 May	Takes 80 High Street, Herne Bay, on a yearly tenancy.
	2 July	Counsel's opinion on setting aside the settlement reaches Herne Bay.
	8 July	The mutual wills are made.
	9 July	The bath is ordered from the ironmonger.
	10 July	Smith takes Miss Mundy to Dr. French.
	12 July	Miss Mundy writes that she has made her will, &c.
	13 July	Miss Mundy is found drowned in the bath.
	15 July	A verdict of death from misadventure is returned.
	11 September	Smith gets probate, and by the end of the year has received all Miss Mundy's estate.
1913	4 November	Marries Alice Burnham.
	29 November	Mr. Burnham sends £104 through his solicitor.
	4 December	Policy on Miss Burnham's life is completed.
	8 December	Miss Burnham makes her will.

# George Joseph Smith.

1913	12 December	Miss Burnham is found drowned in her bath at Blackpool.
	13 December	A verdict of death from misadventure is returned.
	15 December	Miss Burnham is buried in a common grave.
1914	19 January	Smith receives the insurance money on his wife's death.
	22 January	Smith increases his annuity.
	17 September	Marries Alice Reavil.
	21 September	Absconds from Alice Reavil.
	17 December	Marries Margaret Lofty at Bath.
	18 December	Miss Lofty is found dead in her bath at Highgate.
1915	22 December	The inquest is opened.
	1 January	Verdict of death from misadventure is returned.
	4 January	Smith goes to Mr. Davies to obtain probate.
	1 February	Arrest of Smith.
	23 May	Committed for trial.
	22 June	First day of trial.
	1 July	Smith is convicted and sentenced to death.
	29 July	Smith's appeal is dismissed.
	13 August	Execution of Smith at Maidstone.



# THE TRIAL

WITHIN THE

CENTRAL CRIMINAL COURT,

OLD BAILEY, LONDON,

TUESDAY, 22ND JUNE, 1915.

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*Judge—*

MR. JUSTICE SCRUTTON.

*Counsel for the Crown—*

MR. BODKIN,

MR. TRAVERS HUMPHREYS, and

MR. CECIL WHITELEY.

(Instructed by the Director of Public Prosecutions.)

*Counsel for the Prisoner—*

MR. E. MARSHALL HALL, K.C.,

MR. MONTAGUE SHEARMAN, and

MR. GRATTAN BUSHE.

(Instructed by Mr. W. P. Davies.)





**Mr. Archibald H. Bodkin.**

## First Day—Tuesday, 22nd June, 1915.

The CLERK OF THE COURT—George Joseph Smith, you are charged on indictment that you, on the 13th day of July, in the year 1912, feloniously, wilfully, and of your malice aforethought did kill and murder Bessie Constance Annie Mundy. Are you guilty or not guilty?

The PRISONER—Not guilty.

(A jury was then sworn.)

### Opening Speech for the Crown.

Mr. BODKIN—May it please your lordship, gentlemen of the jury, we think that the best way in which to discharge our duty at the present stage of the proceedings is without, or practically without, comment to narrate to you the facts of this case in an order which will enable you to watch the actions of prisoner, the arising of the motives which actuated him, and the development of the case to the tragedy which was its close. Smith, the son of George Thomas Smith, an insurance agent, was born at Roman Road, Bow, on 11th January, 1872. The first we know of him is that, in the name of George Oliver Love, he was married at Leicester, on 17th January, 1898, to Caroline Beatrice Thornhill. He was then carrying on business as a baker and confectioner in Leicester, and continued to do so after the marriage. They separated in 1903, and in 1905 "Mrs. Love" went to Canada. She is now again in England. In 1908 Smith made the acquaintance of Edith Pegler while he was living in Bristol, where he was a dealer in second-hand furniture. He seemed to have been living quite alone, and desired a housekeeper, and Miss Pegler was selected. On 30th July, 1908, Smith and Miss Pegler were married. From that date up to the time of his arrest he consorted with her, on and off. They lived a curiously unsettled life, for they had numerous changes of residence, and went to different parts of the country. Throughout these changes Smith carried on the business of dealing in secondhand articles. Then came long disappearances of Smith from Miss Pegler, which the prisoner explained by stories of which you will judge the truth. They went to Croydon and Southend. At the latter place they stayed at Glenmore Road, and then returned to Bristol. In July, 1910, they took a second-hand furniture shop at Ashleydown Road, Bristol. It was not a profitable business, and one day the prisoner said he had met a young fellow whom he had

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known in London, and was going round the country dealing with him. He was absent from Miss Pegler for five or six weeks. During that time she heard from him, but the letters bore no address. Some of them were posted in London, and some in Weymouth. On 13th September the prisoner suddenly and unexpectedly reappeared at Bristol, and rejoined Miss Pegler. He said he had not done much in the way of business, but had made about £20. He also said he had passed through Weymouth on the way to London. He and Miss Pegler afterwards went to different places—Bath, Walthamstow, and Bristol. In the spring of 1912 Smith said he was going again round the country to do some more dealing. He was absent from the spring of 1912 until the end of July or the beginning of August, 1912. One letter he sent to Miss Pegler came from Woolwich. He had been transacting some business with a building society there, and it was through this society that Miss Pegler was able to get into communication with him. A feature of Smith's movements in 1912 was his use of accommodation addresses.

I will now deal with the subject of the indictment—the story of Miss Mundy, who was the daughter of a bank manager at Warminster, Wilts. She was thirty-one in the summer of 1910. Her father died in 1904, at the age of sixty-six. He had two children—George Howard Mundy and Bessie Constance. His wife died when Miss Mundy was an infant, and Miss Mundy used to live at home in the society of her father and her brother George, who married and set up house for himself in another part of the country. It would seem that Miss Mundy thought it better not to live at home, and she adopted from the time of her father's death that solitary kind of existence which many women adopt—living as paying guests or inmates of boarding-houses in different parts of the country. Her father was a gentleman of some property when he died, and he left a share to his daughter Bessie. It amounted to over £2500. By his will he appointed his brother, Mr. Herbert Mundy, as his executor, and also his son George. In November, 1905, the executors and Mr. Ponting, the family solicitor, thought it right, from the inexperience and unbusiness-like habits and general characteristics of Miss Mundy, that there should be a voluntary settlement of her £2500. Mr. Ponting prepared a deed of settlement, which Bessie voluntarily entered into, making over her property to her uncle and brother. The property consisted of a number of shares and marketable stock. These shares and stock were transferred to the trustees, and they paid the income of them to her for life. She could not by deed during life, but could by will at her death, dispose of the property. Several provisions were inserted to protect her and secure the property to her for her benefit. One of them provided that, in case of marriage, the property should be for her separate use, without power of anticipation. No change of method of dealing with the property or the interest arising out of it was permitted by the trust deed without

## Opening Speech for the Crown.

the full consent of the trustees, who were, as he had said, close relatives. The way in which the trusts were administered was this: Mr. Herbert Mundy, the uncle, interested himself most in the matter, and undertook to collect the dividends and interests from time to time, and he used to pay over to his niece about £8 a month, so that she should be able to pay the expenses of living in these boarding-houses. In August, 1910, Miss Mundy was living at Clifton, a suburb of Bristol, in a boarding-house, and under circumstances which are not known she met the prisoner while he was passing as Henry Williams. That was at the early part of his first absence from Miss Pegler. The prisoner met Miss Mundy in Bristol, and, after a short acquaintance only, they went through the ceremony of marriage at a registry office on 26th August, and were known as Mr. and Mrs. Williams. The prisoner described himself as a picture restorer, and his father as a commercial traveller. The marriage took place at two o'clock in the afternoon, under a licence, for which an extra fee had been paid for the purpose of expediting the ceremony. Before the marriage the prisoner and Miss Mundy called at the office of Mr. Wilkinson, a solicitor, an entire stranger to them. It was noticed that prisoner did the talking, the woman sitting silently most of the time, and completely acquiescent. The purpose of the visit was to get Mr. Wilkinson to write to Mr. Ponting and obtain a copy of the will of Miss Mundy's father. That was done, and the will was handed to the prisoner. Mr. Ponting also sent a copy of the settlement, and the two documents and the effect of them were discussed with Mr. Wilkinson. Mrs. Williams, as Miss Mundy was called, was advised in the presence of the prisoner to consult Mr. Ponting. The prisoner objected. He told Mr. Wilkinson that he was a picture restorer, and had come from London, but he resented any inquiry into his private affairs. He asked if a loan could be raised upon the deed of settlement, but was advised to see Mr. Ponting. Having got the documents, Smith did not go to see Mr. Wilkinson again. I must call your attention here to two letters which were written by the prisoner about this time to Mr. Herbert Mundy. The first, dated 26th August, merely referred to the marriage. The second, written three days later, suggested that payment should be made to Miss Mundy by money order instead of by cheque. The letter continued—

Bessie hopes you will forward as much money as possible at your earliest by registered letter. Am pleased to say Bessie is in perfect health, and we both are looking forward to a bright and happy future.—Yours faithfully, Henry Williams.

Both before and immediately after the marriage, you will observe, it is money—the money of this lady—which interests the prisoner. Subsequently Smith called upon another Weymouth solicitor, a Mr. Eaton, and informed him that his “wife” was a beneficiary under the will of her father, and that, as the interest from the securities was more than the monthly allowance her uncle made to her, there

## George Joseph Smith.

was money which had accumulated in the uncle's hands. The prisoner said he had no doubt that his wife's relatives supposed him to be after her money, so that it was better to make application for it through a solicitor. He went on to say that there was no ground for such a supposition, because until after the marriage he was not aware that his wife had any property. "Mrs. Williams" said she had known her husband for six months, and wished him to have the money to set up as a picture restorer in Weymouth. The money, amounting to £135 2s. 11d., was authorised to be sent by Mr. Ponting, and, on the morning of 13th September, the prisoner, who knew it was coming and had made elaborate preparations, called for it at Mr. Eaton's office. He and his "wife" went for a walk, and on their way called at the solicitor's office. Mr. Eaton wished to give the prisoner his cheque for the amount, but he objected, and pressed for cash, which was given to him. Mr. Eaton suggested that the lady, as it was her money, should open an account at a bank, but the prisoner again objected, saying there were several accounts to pay, and he wanted money for his business. From that morning walk the prisoner returned alone to the lodgings. When he entered the house he said, "Is there a telegram for me?" There was a telegram. He had had ample opportunity to leave the woman and send a telegram during the walk. The prisoner opened the telegram, and told Mrs. Crabbe, the landlady, he had to go to London at once on special business. He said, "Tell my wife when she comes in to expect me back on Monday." He also told Mrs. Crabbe that his wife would get her cheque at mid-day, and would pay the bill for the lodgings. He went out of the house, and Mrs. Crabbe and her husband never saw him again. In the afternoon there came a registered letter for "Mrs. Williams," enclosing another letter for Mrs. Crabbe. This letter said—

To Mr. and Mrs. Crabbe.

I don't know how long I shall be away so I have asked my wife if I don't return in a week to hand this note to you . . . While my wife is alone she will pay you 25s. a week for her board and lodging, and she will put 30s. a week in the Post Office Savings Bank. Please see she does this.

The prisoner anticipated that the money would come on 13th September, and there was one longish letter which, I suggest, was written beforehand. I must, in order to give you the character of that letter, read portions of it. It is a letter of the most instructive kind—a letter which more than anything else, except one incident which we are coming to presently, shows the kind of woman which Bessie Mundy was. I will not read all of it, because there are things in it which I think I am absolutely justified in omitting. Let me tell you this, that these things which are omitted involve the grossest insults a man, let alone a husband, could offer to a woman who believed him to be her husband.

## Opening Speech for the Crown.

MR. JUSTICE SCRUTTON—No, Mr. Bodkin, you must read the whole of the letter; if people come to Court to hear a case of this kind, they must put up with what they hear.

MR. BODKIN—I bow to your ruling; that was the reason I did not propose to read the whole letter.

[Counsel here read the letter set out at length, at p. 87, in Mrs. Crabbe's evidence, and proceeded—]

You will notice there is not a thing in that letter which is not repeated three times over, and minute directions are given as to what she is to do, the part she is to play—just as if you were instructing a child—over and over and over again—nothing left to her, all set out in black and white, and repeated over and over again.

On the same day it was written, 13th September, the prisoner rejoined Miss Pegler at Bristol. The following day he wrote to the Woolwich Equitable Building Society saying he wished to settle up his account with the society, and would visit Woolwich. So, you see, Henry Williams, of Weymouth, has disappeared, and George Joseph Smith is writing to the Woolwich Equitable Building Society the next day to pay off some money. On 21st September he visited Woolwich and handed over the sum of £93 7s. 11d. All the available property of Miss Mundy which was covered by the trust had passed into his hands, and you will find him getting the purchase deeds of a house at Southend.

To continue the story, in March you come to his second absence from Miss Pegler. Miss Mundy communicated with her relatives through Mr. Eaton, who was very kind to her, and then, unfortunately for her, she took up a solitary kind of life. In March, 1912, she was living in the house of a Mrs. Tuckett at Weston-super-Mare. Then occurred what to me is one of the most astounding incidents in the case. On the morning of 14th March Miss Mundy went out shopping, and before she returned to the house she had met the prisoner, and they had gone off together to a solicitor's office. She was speaking of him as her husband in most affectionate terms, and at the solicitor's office a kind of reconciliation took place. He met her in the street—the man who had written that letter which I have read, the man who so gauged her mental capacity as to suggest the lie and detail to her the stories she was to tell—he met her by accident in the street, and instantly this woman is again under this man's influence absolutely. The solicitor wrote to Mr. Herbert Mundy saying that Mr. and Mrs. Henry Williams had adjusted their differences and were now living together again at Bath. Mr. Mundy replied as follows:—

I am in receipt of your letter of yesterday's date, informing me that Mr. and Mrs. Williams are living together again as man and wife. I have also heard from Mrs. Williams by the same post, but giving no address. The circumstances of the marriage and the subsequent desertion are so extraordinary and painful that I refrain from making any comment.



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On 18th March the prisoner wrote to Mr. Mundy a letter in which he said—

Many people would rather stir up strife than make peace. . . . I intend to be not only a true husband, but to finally make my peace, step by step, with all those who have been kind to Bessie. Why, in the name of Heaven and Christianity, should people stir up trouble when it would be more honourable to do their best to make peace?

After the reconciliation Miss Mundy and the prisoner went to Woolwich. From there Smith wrote to Miss Pegler, talking of a visit to Canada, evidently anticipating a longish absence from her. In May Miss Mundy and the prisoner were at Herne Bay, where a house in the High Street was taken on a monthly tenancy, and £20 was spent on the furniture. "My wife has a private income. I have nothing," Smith told Miss Rapley, the clerk to the owner of the house, adding, "My wife is a notch above me." In June some more money had accumulated under the trust, and £33 was sent to Miss Mundy. Out of this sum came the £20 for the furniture. So it was her money which furnished the house. I will next deal shortly with the mutual wills which were drafted at Herne Bay. The trust settlement of Miss Mundy's property could not be revoked without the consent of the trustees, which it was hopeless to attempt to obtain, and, further, whatever was done by will as to the destination of the property could be upset at any moment by the trustees selling the securities and buying an annuity upon the woman's life. That was what prisoner found himself up against on 2nd July, and then began the scheme to encompass the woman's death. From 29th May to the beginning of July they had been living in the house without a bathroom or a bath, but on 6th July prisoner went into an iron-monger's and characteristically bargained for a bath exposed for sale, a bare structure on four legs, knocked 2s. 6d. off the price, and agreed to pay 37s. 6d. for it. The bath, which was without any fittings, was placed in an empty room on 9th July, and you will note that on 8th July formal mutual wills replaced the draft wills. The next step in the scheme is the visit on 11th July of Mr. and Mrs. Williams to Dr. French with a story of symptoms suggestive of epilepsy, although the next-door neighbour, Mrs. Millgate, who saw Miss Mundy daily, described her as appearing to be perfectly healthy. On the morning of 13th July Dr. French was summoned by a note which read, "Do come at once. I am afraid my wife is dead." Going to the room, he saw his patient lying dead in the bath. She was face upwards in the bath, with her body quite submerged, and the mouth and face under water, her legs straight out from her hips, and her feet resting on or against the narrow end of the bath. The accused made a statement that he pulled her head up and rested it on the side of the bath before he wrote the note. When the doctor came he found the body well down under the water. Whether the

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suggestions of fits made to the doctor on 9th and 11th July in any way predisposed him to form any opinion—mind you, he never saw her in a fit—the doctor had no suspicion at the time in regard to the case. It is most unusual, I understand, for a woman to have a fit for the first time at the age of thirty-three. The position of the body, you will learn, was quite inconsistent with her having a fit. After the death the prisoner dispatched a telegram to Miss Mundy's uncle, saying—

Bessie died in fit this morning. Letter following.

The letter which followed I will now read—

Dear Sir—Words cannot describe the great shock I suffered in the loss of my wife. The doctor said she had a fit in the bath, and I can assure you and all her relatives that everything was done that was possible to do on her behalf. I can say no more.

No post-mortem was held, and the only witnesses were the husband and the doctor. The prisoner stated that they got up on that morning at 7.30, and at 8.10 the note had been written to the doctor, delivered, and the doctor was there. Smith said he did not carry up the water to the bath, which would require twenty journeys from the kitchen to fill—bucket after bucket. And this woman was supposed to be suffering from an epileptic fit. Yet while he is out to get some fish she develops activity up and down, up and down, with the water. "Death from misadventure from drowning from some fit" was the verdict at the inquest—death from drowning—no doubt about that; but the fit part of it is, in my submission, purely conjecture, and is solely based on the foundation laid by taking the woman to the doctor and describing to him a superficial sort of appearance which might give the impression that the person had a fit. One thing which at the inquest was never done by coroner or jury or any one was to ask two simple questions. What were the measurements of the bath? What were the measurements of this woman? The woman was well developed, and was 5 feet 8 inches in height. The extreme length of the bath at the top is 5 feet, and at the bottom 3 feet 8 inches. Its width at the top is 2 feet, and at the bottom 1 foot 6 inches. And yet this well-developed woman was found submerged in this bath, with her legs out straight from the hips. There is a simple and terribly effective way in which a person in a bath can be drowned. If in a bath of water, which, of course, grows deeper as you go down into it, some one had lifted the legs, the immediate effect would be for the trunk of the body to be drawn down the sloping part into the water, and, as you will be told, almost immediate unconsciousness and rapid and silent death inevitably result. A person in a bath in that position, with legs up, is almost powerless—and Miss Mundy's legs were found to be up against the end of the bath.

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So the inquest ends; no delay, no postponement for something of this terrible story to be available, and with the verdict given, prisoner then sits down to write a letter to Mr. Herbert Mundy, telling him of the verdict of the jury, and adding, "I am naturally too sad to write more to-day." That letter did not reach him—perhaps was not intended to reach him—until after the funeral was over. It was impossible for any relatives or anybody representing the relatives to be present at either the inquest or the funeral. And to her grave there followed the prisoner and the baker from next door. I will next quote from the prisoner's letter indignantly protesting against "the mean and most unmanly conduct" of Miss Mundy's brother in writing to the coroner to ask for a strict inquiry. That letter ended—

The only comforter I have now is in the great God Himself, to whom I pray, and on whom I rely for sufficient strength to meet this calamity.

The house at Herne Bay was given up, and within two days the prisoner was writing to Miss Pegler to meet him at Margate, which she did. He said he had been to Canada, and had picked up a Chinese image, which he had sold for £1000. Miss Mundy's relatives entered a caveat to the will, but withdrew it, and the will was duly proved, the prisoner being sole executor and legatee. The estate was sworn at £2571 13s. 6d. Between November, 1912, and March, 1913, the proceeds of certain securities which formed Miss Mundy's property went in the main into a banking account which the prisoner had in Bath. During the same period he drew fourteen cheques for large amounts, which he cashed into gold over the counter. He drew out about £1750, and in the same period he purchased seven houses in Bristol, for which he paid £2180. Later he sold six of the houses for £1365. In the name of George Joseph Smith he opened a banking account at Landport, Portsmouth, on 2nd October, 1913, and into that account £1300 was paid. After spending a couple of months with Miss Pegler in Kent, the prisoner again left her and took lodgings by himself at Southsea, telling Miss Pegler that he was going to Spain to do dealings. With £1300 he purchased an annuity of £76. It is only fair to Miss Pegler to state that she had not the slightest knowledge of what the prisoner was doing in his periods of absence, and that she never knew Miss Mundy.

Those, gentlemen, are the facts of this case immediately relevant to the charge of wilful murder of this woman, Beatrice Constance Annie Mundy, and this case, as I said when I commenced, is of a very grave character, and one to which you will give the most earnest attention, in the interests not only of the prisoner, but also of the public.

[At this point the jury withdrew from Court while Mr. Marshall Hall argued at length against the admissibility of evidence touching

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the other two deaths. He cited the same authorities and developed the same line of argument as in the Court of Criminal Appeal. The learned judge, without calling upon Mr. Bodkin, decided that the evidence was admissible, and the jury returned into Court.]

MR. JUSTICE SCRUTTON—Gentlemen of the jury, while you have been absent the legal point has been discussed whether, on a charge of murder—murdering Miss Mundy—evidence can be given that two other women with whom the prisoner went through the form of marriage also died in baths. I have admitted the evidence, and you will therefore hear from Mr. Bodkin the facts as to two other cases. The charge, however, on which you are trying the prisoner is the murder of Miss Mundy. You are not to use the evidence you hear for this purpose—that he is a man of bad character, and therefore is more likely to have murdered Miss Mundy because he may have murdered somebody else. The evidence is admissible, in my view, not for that purpose, but for the purpose of helping you to draw an inference whether the occurrence, namely, the death of Miss Mundy, was accidental, or whether it was designed by the prisoner; or, to put it in another way, as evidence to show you whether he had a system of murdering these women with whom he went through a form of marriage in order to obtain their money.

I shall have to address you in summing up to explain that to you more carefully, but you will listen to the evidence now, as Mr. Bodkin explains to you what it is going to be, and as it is afterwards given, for the purpose of seeing whether it helps you to say whether the death of Miss Mundy was accidental or whether it was by the prisoner's desiring to obtain a sum of money. Do not use it for the purpose of inferring that he is a man of bad character, and therefore he is very likely to have committed the crime. I shall have to explain to you further at the end of the case the distinction, but that, broadly, is the point on which you have to consider the evidence.

MR. BODKIN—Subject to what my lord has just said, I will now give you some details concerning the case of Alice Burnham, who had been for some years before November, 1913, nurse to an invalid at Southsea. Mr. Charles Burnham, her father, had made a gift of money to each of his daughters, and at the time of her marriage a sum of £104 belonging to her was in her father's hands, and he was allowing her 3 per cent. In October, 1913, Mr. and Mrs. Burnham learnt that their daughter was about to be married, and invited her and the prisoner, to whom she had become engaged, to stay with them. On 4th November they were married, the prisoner describing himself as George Joseph Smith, of independent means. No sooner were they married than there came letters in peremptory terms demanding that the money which Mr. Burnham owed his daughter should be paid. [Counsel read the letters set out in Appendix V.

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from Smith to Mr. Burnham threatening legal action if the money was not paid, and accusing him of trying to wreck his daughter's happiness.] As showing the tone of the prisoner's letters, I will specially draw your attention to this one, in which Smith wrote to Mr. Burnham—

My mother was a 'bus horse, my father was a cab driver, and my sister a rough rider over the Arctic regions. My brothers were all gallant sailors on a steam roller. This is the only information I can give to those who are not entitled to ask such questions.—Your despised son-in-law, Geo. J. Smith.

The prisoner and Miss Burnham lived at Southsea from the time of the marriage till 10th December. On 8th December Alice Burnham visited alone a Mr. March, a solicitor, and made a will leaving everything to the prisoner. Nearly all the money she had had from her father had been used, but she had insured her life, and by making her will in Smith's favour she was, if she died, benefiting him by £500. On 10th December they told Mrs. Page, the landlady, that they were going to the north. They went to Blackpool, and sought for lodgings. The prisoner rejected the first house they went to because there was no bath there, but in Regent Road they found a house where there was a bath. I must point out the resemblance in the prisoner's treatment of Miss Burnham to his treatment of Miss Mundy. There were the visits to the doctor, the complaints of headache by the woman, the writing of a postcard to her relatives by the woman one or two days later, and then the finding of the body of the woman in a bath. In the postcard which Miss Burnham wrote to her parents she said, "My husband does all he can for me; in fact, dear, I have the best husband in the world." In this case the bath took place after 8 p.m., and the landlady of the house saw Miss Burnham ("Mrs. Smith") going towards the bathroom. She did not see the prisoner at that time. While the landlady and her daughter were in the kitchen, which is under the bathroom, they noticed water coming through the ceiling and streaming down the walls of the kitchen, a thing that had never happened before and had never happened since. Just afterwards the prisoner came to the door where they were sitting and said to the landlady, "Mrs. Crossley, here are two eggs for our breakfast to-morrow." He had the eggs in his hand. Then in a few minutes they heard prisoner calling to his "wife," and later he shouted. "My wife won't speak to me. Go for the doctor." Subsequently Miss Burnham's body was found in the bath. She was dead, and the prisoner, who was there, had his sleeve rolled up and was supporting her head. The doctor who came asked him why he had not pulled the plug out to let the water off, and he replied, "I did not think of it." You will recollect that in the case of the drowning of Miss Mundy the water in the bath was not drained off. It is true that in that case it would have meant flooding the room, but what does that matter when one's wife is

## Opening Speech for the Crown.

drowning? Smith gave evidence at the inquest on Alice Burnham, and made out that he found his wife's head under the water. He arranged that the funeral should be of the cheapest kind, and no intimation was sent either of the inquest or the funeral to the relatives. The proceedings at the inquest were all over in less than half an hour, and a verdict was given of "accidental death from a fit in the bath." Miss Burnham was a plump woman, and broad across the bust and the hips, and could not have sat at the narrow end of the bath, so narrow was it and so bulky was she. Her estate was sworn at £600 gross. Smith rejoined Miss Pagler just before Christmas, explaining that he had been to Spain.

There are numerous points of similarity in the three cases which justify the grave assertion that prisoner was out to make money out of drowning people with whom he went through an apparent form of marriage. This business was carried out, we respectfully submit to you, which had for its object the making of money, which from beginning to end of this case it is apparent was the dominant motive in the mind of this prisoner.

I will now proceed to deal with the last case, terminating in Miss Lofty's death in a bath at Bismarck Road, Highgate. Miss Lofty was the daughter of a deceased clergyman, and had been living with her mother and sister at Bath. She made Smith's acquaintance, unknown to them, some time in the autumn, and became engaged to him. On this occasion the accused married deceased as "John Lloyd, bachelor," at Bath, on 17th December, 1914. On the same day they travelled to London, and took rooms at Bismarck Road, Highgate. Next day Miss Lofty called on a solicitor at Islington and executed a will, leaving her property to her husband, "John Lloyd." Returning to her lodgings, she asked for a bath, and the landlady prepared it. Ten minutes afterwards there was a splashing in the bathroom, followed by the sound as of wet hands smacking against the sides, and at the same time a sigh. Soon afterwards the landlady heard the organ playing in the prisoner's sitting room, and then the front door slam. Another interval and the bell rang, and the prisoner was at the door. "I have bought some tomatoes for Mrs. Lloyd's supper," he said. "Is she down yet?" As in the case of the fish at Herne Bay and the couple of eggs at Blackpool, so in Highgate tomatoes were the excuse to be away from the room where the wife was dead in her bath. The verdict at the inquest again exonerated the prisoner, death by misadventure being found, and Smith immediately approached another solicitor at Shepherd's Bush to obtain probate of the will. It was during a visit to this gentleman that he was apprehended and charged, though not at first with murder.

I will conclude by summarising the points of similarity between the three cases.

In each case you get the simulated marriage.

In each case all the ready money the woman had is realised.

## George Joseph Smith.

In each case the woman made a will in prisoner's favour.

In each case the property could only be got at through the woman's death.

In each case there were, as we submit, unnecessary visits to a doctor.

In each case letters were written the night before death in which prisoner's kindness as a husband is extolled.

In each case there were inquiries about a bathroom.

In each case the prisoner is the first to discover the death.

In each case prisoner is the person in immediate association with each woman before her death.

In each case the bathroom doors are either unfastenable or unfastened.

In each case he pretends to do something which shall take him away from the scene where the particular tragedy has been enacted.

In each case there is the immediate disappearance of prisoner.

If, upon considering the whole of these circumstances, you are forced to the conclusion that these similarities cannot have been the result of chance, but indicate design, it will be your duty to find the prisoner guilty; but if you feel that this series of coincidences is not absolutely and beyond all reasonable doubt inconsistent with the prisoner's innocence of the death of Beatrice Mundy, you will find him not guilty.

[His lordship here informed the jury that it would be necessary for them to remain locked up, and he warned them not to discuss the case, but to await the evidence and keep their minds open.]

The Court adjourned.

Second Day—Wednesday, 23rd June, 1915.

Evidence for the Prosecution.

ARTHUR AMOS ELLIOTT, examined by Mr. WHITELEY—I live at 52 Chester Street, Leicester, and I am the sexton at St. Matthew's Church. I was present at a marriage performed by the Rev. J. O. Hichens at St. Matthew's Church on 17th January, 1898. I produce a certified extract of the entry in the marriage register relating to that marriage—"George Oliver Love, age twenty-eight, bachelor, baker and confectioner, 25 Russell Square; father's name, George Love (deceased), rank or profession of father, detective; Beatrice Thornhill, age nineteen, spinster, bootmaker, residence, 25 Russell Square; father's name, Edward John Thornhill, rank or profession, bootmaker." I did not know George Oliver Love before that date. I recognise him as the prisoner in the dock. He carried on business as a baker and confectioner at 25 Russell Square at the time he was married. I saw the married couple in the shop only occasionally.

GEORGE BURDETT, examined by Mr. WHITELEY—I live at 76 Beatrice Road, Leicester. I was present at St. Matthew's Church on 17th January, 1898. I recognise the prisoner in the dock as the man who was married that day. I signed the register. I knew Caroline Beatrice Thornhill. I have seen her outside the Court to-day.

Mrs. CAROLINE THORNHILL, examined by Mr. WHITELEY—I am the wife of Edward John Thornhill, and live at 20 George Street, Leicester. My daughter, Caroline Beatrice, is thirty-four years old. I remember her being married to George Oliver Love, whom I now recognise as the man in the dock to-day. My daughter was eighteen years old when she was married on 17th January. At that time he was carrying on a bread shop. I saw my daughter with the prisoner about twice after the marriage. I think they stayed at their shop in Leicester for about three or four months, and then they went away. My daughter left her husband about twelve months after her marriage, and came back to me, and then he rejoined her at a shop in Martin street. I cannot exactly tell how long they stayed at that shop, but it was not very long. We went to live at 68 Argyle Street, in Leicester, about 1900. We had been living in Argyle Street for fully two years when I saw the prisoner at Hastings.

Did you ever see him in Argyle Street?—No, not then.



## George Joseph Smith.

Caroline Thornhill

After that?—Yes, after he had done his two years.

Shortly after that did your daughter go to Canada?—She went some time after Mr. Love had done his two years.

MR. JUSTICE SCRUTTON.—Gentlemen, the witness keeps saying certain things which you must put entirely out of your mind, as they have nothing to do with the case.

*Examination continued*—My daughter went to Canada; she is now in England.

Cross-examined by MR. MARSHALL HALL—My daughter went to Canada about ten years ago. She came back to England to see me about three years ago.

HERBERT MUNDY, examined by Mr. BODKIN—I am an auctioneer living at Westbourne Gardens, Trowbridge, Wiltshire. I had an elder brother, George Barclay Mundy, who died when he was about sixty-six years old. He was manager of a bank at Warminster, and he retired shortly before his death. He left two children, George Howard Mundy and Bessie Constance Annie Mundy. My nephew, George, and I were the executors under his will. Bessie benefited to the extent of £2500 by his will, and that sum was invested in trust securities. She lived at home with her father up to the time of his death. When her father died she would be about twenty-five years of age.

She was a capable business woman?—No, she did not understand money matters at all. The solicitor to our family was Mr. Ponting, of Warminster, who is now dead. In the month of November, 1905, there was a deed executed by Bessie Mundy (exhibit 67). Before that deed there had been some consultation between me and Mr. Ponting. The deed is a voluntary settlement by Bessie Mundy to transfer to me and to George Howard Mundy all her property in trust, also to Frank Mundy, another brother of mine, who is since dead. Under that deed it was provided that the trustees were to pay the income of the trust fund to Bessie Mundy during her life, and after her death the trust fund was to be held in trust for such persons and in such manner as Bessie Mundy should appoint, and in default of appointment, in trust for the rest of them. I took upon myself chiefly the duties of the trustees, and I collected the interests and dividends. I used to remit to Bessie a monthly sum of about £8. That did not quite absorb the whole of the income, and the difference between the actual income and that allowance accumulated in my hands. After my brother's death Bessie went to friends and to boarding-houses, or something of that sort.

Did you see much of her?—No, I never saw her after my brother's death, or rather after the home was broken up.

Had you any knowledge in the summer of 1910 of her con-



**Beatrice Constance Annie Mundy.**

## Evidence for Prosecution.

Herbert Mundy

templating being married at all?—No, none whatever. I received the postcard (exhibit 78)—

14 Rodwell Avenue, Weymouth. 25/8/1910. Dear Uncle, I got married to-day, my husband is writing to you to-night. Yours truly, B. Williams.

Next day I got exhibit 69—

14 Rodwell Avenue, Weymouth. 26/8/10. Dear Sir, I think it my duty to inform you of my marriage with Bessie Constance Annie Mundy at the office of the Registrar, performed by the Superintendent, H. A. Huxtable, Weymouth. Believe me, Yours truly, Henry Williams.

That was the first time I had any knowledge of a person named Henry Williams. I answered that letter and I then received exhibit 70—

14 Rodwell Avenue, Weymouth. 29th August, 1910. Dear Sir—My wife and self thank you very much for your letter to-day with kind expressions. In regard to banks, undoubtedly to transact the business there would be rather awkward. Thus we suggest it would be better if you will be good enough to forward a money order instead of cheques—however it would suit the present circumstances. Anytime we changed our address we should let you know beforehand. We cannot say at present how long we shall remain in Weymouth. Bessie hopes you will forward as much money as possible at your earliest (by registered letter). Am pleased to say Bessie is in perfect health, and both are looking forward to a bright and happy future. Believe me, Yours faithfully, H. Williams.

At the end of the letter there is an addition in my niece's handwriting—

With my kind regards. I am very happy indeed. Bessie Williams.

I did not send any money on receiving that letter. I recollect getting a letter about that time from a Mr. Wilkinson, a solicitor at Weymouth, and in consequence of that I consulted Mr. Ponting. On referring to exhibit 71 I am reminded that I sent a sum of £10. Shortly afterwards I got another letter from a Mr. Eaton, a solicitor at Weymouth, and eventually I gave instructions to Mr. Ponting to forward the accumulated monies amounting to about £135. The next matter was the receipt of the telegram (exhibit 72) on 13th September. After receiving that telegram I heard something from my nephew George and I continued thereafter to make the monthly allowance of about £8, which I sent by cheque, generally speaking.

I remember receiving the letter (exhibit 61)—

Weston-super-Mare, 14th March, 1912. Dear Sir—We have been consulted by Mr. and Mrs. Henry Williams, who we are pleased to state have now adjusted the differences which arose between them and are now living together as man and wife again. They are both desirous that we should

# George Joseph Smith.

Herbert Mundy

write to you in order to make you acquainted with these facts and also to give some explanation with a view to removing any apprehension which may be in your mind in regard to a loan of £150 which was made some time ago by Mrs. Williams to her husband. The facts in regard to this transaction appear to be that some time prior to his marriage Mr. Williams went abroad, and to enable him to do so he borrowed money from certain of his friends, and the £150 advanced by his wife was for the purpose (as indeed Mrs. Williams understood at the time) of discharging these debts. We have advised that Mr. Williams should give his wife a promissory note for £150, such note to bear interest at 4 per cent. per annum, and this he is quite willing to do. Both our clients think it is due to you as the Trustees of Mrs. Williams to be informed of the circumstances in which Mr. Williams left his wife. The fact appears to be that Mr. Williams was (though as it turns out wrongly) under the impression that he had contracted a contagious disease. In consequence he desired to be absent from his wife for a time and was naturally reluctant to tell her of his true reason for leaving. It is, however, only fair to him to state that he wrote a letter to Mrs. Williams at Weymouth informing her of the circumstances and of his intention to return, so that he has since been assiduous in his efforts to find her in order to provide her with a home. Mrs. Williams informs us that she is willing to forgive the past and that she has decided to live again with her husband. As the contents of this letter are of a private character, we must ask you to kindly treat them in confidence. Yours faithfully, Baker & Co.

I had no knowledge of the loan of £150 referred to in that letter. I replied to Messrs. Baker (exhibit 62)—

15th March, 1912. Dear Sirs—I am duly in receipt of your letter of yesterday's date informing me that Mr. and Mrs. Henry Williams are now living together again as man and wife, and I have also heard from Mrs. Williams by the same post, but giving no address. The circumstances of the marriage and subsequent desertion are so extraordinary and painful that I refrain from making any comment upon the arrangements which have been come to. Yours faithfully, H. Mundy.

I received the letter (exhibit 73) on or about 18th March—

Dear Sir—After what has occurred, no good can be obtained by further detail. But I at least count it my duty to write you expressing my sorrow for the past events, and vow to take advantage of every hour and day for the future that Bessie and I are spared to outlive the past and to prove myself before the eyes of my wife and her relatives a true and worthy husband. Life is not finished yet, and time is a great healer. It is no earthly use of being vindictive where matrimony is concerned. Therefore I kindly invite you to take into consideration all the information which Bessie and I will furnish you from time to time in regard to our movements, combined with the methods and principals which I shall use to formulate a character worthy of your appreciation. My solicitor informed me through communication "that when Bessie wrote you last she omitted her address." I would point out that nothing deceptive was intended by it; she was

## Evidence for Prosecution.

Herbert Mundy

living with me at the time in temporary apartments, No. 6 Walliscote Grove, Weston-super-Mare, and as we intended leaving the next morning for Woolwich, we thought that you may have answered the letter to that address, which we should not have received. Bessie has just written her Aunt, wherein she states that she has never been so happy for a long time, and I know that is pleasing to you. I remain, Sir, yours respectfully, H. Williams.

The following addition is in my niece's handwriting:—

Dear Uncle—Everything after all is happening for the best, and I am perfectly happy with my husband. I hope you will soon forget the past. I know my husband now better than ever I knew him. With love, Bessie.

After that I got some letters from my niece. I received the letter, which is exhibit 75, from my niece, which is headed from 35 Wilmount Street, Woolwich, 29th March, 1912—

Dear Uncle—I enclose the postcard just received from Aunt, she seems to be put out just because I asked her to remit me what was left of the money after her paying Mrs. Tuckett £2 10s. for the fortnight I was there of this month, she tries to make out I owe Mrs. Tuckett £2 10s., how can that be, when I have never seen the £8 for the March month, she is going beyond herself. I trust you will send to me on the 1st April the £8 as usual, at the above address. I am sorry to trouble you in this way, Bessie Williams.

On the back of that letter, in the same handwriting as the letter signed H. Williams, which I formerly received, there is the following:—

Dear Sir—I am rather surprised at Bessie's Aunt writing to my wife in the manner she has. The trouble which has occurred between my wife and myself and which is now over has nothing to do with that which my wife is entitled to. I am not short of £2 10s. which my wife asks her Aunt to account for. I have great many £2 10s. I am not short of money, and not likely to be. But I intend, cost what it will, that either my wife has what she is entitled to, or else there will be trouble even if I lost my . . . ,

and then there is a word which has been written and then scratched out. I sent some money to that address at Woolwich, and I also sent Mrs. Tuckett the £2 10s. I remember getting the two letters from my niece (exhibits 76 and 77). They are dated from Ramsgate, but I have no recollection of what was on the envelopes. In May and June of 1912 I received other letters from my niece, which I answered. From her letters I understood she was living at 80 High Street, Herne Bay, and I addressed my letters to her at that address. (Shown exhibit 78.) On 22nd June I drew and sent that cheque for £33 to my niece in reply to a request to send all

# George Joseph Smith.

Herbert Mundy

the money I could. My niece sent me the photograph (exhibit 79), which is a photograph of herself along with a man whom I had never seen to my knowledge. The man in that photograph is clean-shaven. On 13th July I received a letter in a registered envelope addressed in my niece's handwriting. It appears to be stamped at Herne Bay on 12th July, 1912. That was the last communication I ever had from my niece. At the same time as I received that letter I got the telegram (exhibit 82), which is marked as handed in at Herne Bay, 9.45 a.m., and received at Trowbridge at 10.27 a.m. on 13th July—

Bessie died in a fit this morning, letter following, Williams.

On Monday, 15th July, I received exhibits 83 and 84—a letter in a black-bordered envelope—

13th July, 1912, 80 High Street, Herne Bay, Kent. Dear Sir—Words cannot describe the great shock I suffered in the loss of my wife. The doctor said she had a fit in the bath, and I can assure you and all her relatives that everything was done which was possible to do on her behalf. I can say no more. Believe me, Yours faithfully, Henry Williams.

The postmark on the envelope appears to be 9.15 p.m., 13th July. I received no intimation from anybody of the contemplated holding of an inquest. On Tuesday, 16th July, about 7.30 p.m., I received the following letter (exhibit 85), dated 15th July:—

Dear Sir—I hope you received my letter this morning. The result of the inquest was misadventure by a fit in the bath. The burial takes place to-morrow at 2 p.m. I am naturally too sad to write more to-day. Yours faithfully, H. Williams.

I replied in exhibit 86. dated 17th July—

Dear Sir—I only received your letter by the 7.30 post last evening only and was not aware of poor Bessie's funeral that afternoon. I have heard no particulars of her death except what I saw in the London paper concerning the inquest and I had hoped to have heard more, the circumstances are very sad. Yours faithfully, Herbert Mundy.

I received exhibit 87 in reply—

18th July, 1912. Dear Sir—Your letter to hand this morning. In answer I have no further particulars to make in reference to Bessie's death except the verdict brought in by the Coroner's Jury. When the weekly press comes out I will forward you the account the paper provides. I am astonished at the mean and most unmanly conduct of her brother Howard, who notwithstanding every opportunity given him to come down to Herne Bay, and in order to see the proceeding carried out by the officials, wrote at the eleventh hour a most offensive letter to the district Coroner in which

## Evidence for Prosecution.

Herbert Mundy

he asks him to hold a very strict investigation and to be very careful. I will leave you to guess what the Coroner, doctors, jury and police thought of such a letter. As for myself, the time will come when I shall as a man with all the feelings which becomes a man demand from Mr. Brother Howard his reasons for writing that letter. I have not yet got over the shock in loosing the one I thought more of than any one in this world, and every one about here and other places could absolutely testify the truth of my kindness and attention towards dear Bessie. The only comforter I have now is the great God himself, to whom I pray and rely for sufficient strength to bear this calamity. *P.S.*—If again you feel disposed to write me, perhaps the unregistered letter as you have now sent me will be more available, as I am out generally when the post comes. Yours faithfully, H. Williams. In regard to her Will my counsel will in due course make things known to you.

I think that was the last letter I ever received from him. I could not say whether I ever got the weekly newspaper from him. I know that I got a copy from some one; I wrote to Herne Bay for it. After that I received some letters from a Mr. Annesley, a solicitor at Herne Bay, and I referred that gentleman to Mr. Ponting. A caveat was entered to the proving of the will. (Shown exhibit 98). That is the will executed by my niece, dated 8th July, 1912, and witnessed by Philip de V. Annesley, Herne Bay, and Frederick H. Barwood, his clerk. The will itself shows that probate was granted on 6th September, 1912. Under that will she appointed her husband, "Henry Williams," sole executor, and she bequeathed all her property to him.

Have you any knowledge, direct or indirect, of her ever having had a fit?—Not except that letter. I might say this, of course, that she was very much upset at Weymouth when this episode—

But you did not see her then?—No, I did not.

Cross-examined by Mr. MARSHALL HALL—When the settlement of 1905 was executed, I impressed on Mr. Ponting most particularly that my niece should understand what she was doing. Mr. Ponting assured me that she thoroughly understood the settlement.

Mr. Ponting was a gentleman who would never allow a client to execute a document of that kind unless she fully understood it?—Quite so.

GEORGE HOWARD MUNDY, examined by Mr. BODKIN—I am a commercial traveller and live at 18 Chatsworth Road, Bournemouth. In 1910 I was living at Poole, in Dorset. I am the brother of the late Bessie Mundy. I was one of the executors to my father's will, and also one of the trustees of the settlement of Bessie Mundy's property. After my father's death I saw my sister from time to time. I had no knowledge in 1910 that she contemplated being married, or, in fact, that she had been married. I recollect in September, 1910, hearing something, and in consequence going to

# George Joseph Smith.

George Howard Mundy

Weymouth. I found my sister in the house of a Mr. and Mrs. Crabbe, 14 Rodwell Avenue there. She was not in a fit state then to travel back with me to Poole. About a fortnight or three weeks after that she came to Poole, and she stayed with me for three or four months, up to about the end of 1910, and then she left me. That was the last time that I saw her. I remember receiving exhibit 89, which is a letter headed 35 Wilmount Street, and dated 18th March, 1912—

Dear Sir—I know not how I shall offend in dedicating my unpolished lines to you, nor how you will censure me for using so strong a prop for supporting so grave a burden; only if you will accept my humble apology for pain and trouble which you share with your sister my wife, and let the past sink into oblivion, I account myself highly honoured, and vow to take advantage of every future day that the great powers have ordained; until the miserable past is absolutely outlived and a character established which will be worthy of your appreciation. I was invited into Mrs. Tuckett's house with Bessie. Bessie and I went personally to solicitors and made certain statements and reconciliation followed. Mr. H. Mundy was communicated with by solicitors and ourselves and replied to. Her Aunt too has been communicated with, who has been kind enough to forward Bessie's belongings. In conclusion, no husband could possibly be more sorry than myself for what has occurred. Time is a great healer—Bessie and I have been living together since last Friday, and she has told her friends that she is delighted to be with me again, also states she is perfectly happy and has absolutely forgiven the past. I trust, sir, you will, as a man of the world take all things into consideration, remembering that possibly many years are before us all, wherein peace and goodwill will always keep the past at bay, and a christian brotherly feeling established. I remain, sir, yours most respectfully, Henry Williams.

Over the leaf there is an addition in the handwriting of my sister—

My Dear Howard—I trust you will try and forget the past as I have done. I know my husband better now than ever before. You will be pleased to know I am perfectly happy. With love, Bessie.

I remember getting a telegram on a Saturday in the middle of July announcing my sister's death. After that I wrote and posted the letter (exhibit 66), and addressed it to "Mr. Williams, 80 High Street, Herne Bay." At the same time I wrote and posted a letter to the coroner. The two letters were identical, there was no difference between them, apart from addressing one to the coroner and the other to the prisoner. Exhibit 66 reads as follows:—

Longleat, Chatsworth Road, Bournemouth, 14th July, 1912. Dear Sir—I had your wire telling me the sad news of Bessie's sudden death. You said was writing, but I have not had any letter from you this morning. As Bessie's brother I must insist that as she died so suddenly a post-mortem



## Evidence for Prosecution.

George Howard Mundy

examination must be held before she is buried, for the satisfaction of all the family. Please see that this is carried out. Some will go to Herne Bay to represent the family at the funeral. Yours faithfully, Howard Mundy. Mr. Williams, 80 High Street, Herne Bay.

I do not clearly recollect getting any notification of the time of holding the inquest, or that one was to be held. I did not get any information as to when the funeral was to be. I received a reply from the prisoner to my letter, but I have not kept it. In his letter he expressed some surprise at what I had written to him, and he concluded with some remark to the effect that he was too hurt to say more. I never replied to that letter.

You have told us that you saw your sister from time to time. What sort of health did she have?—Good.

Have you any knowledge of her ever having suffered from any epileptic fit of any kind?—No.

WILLIAM RALPH MARSHALL, examined by Mr. BODKIN—I am a solicitor living at Cranford, Warminster. The late Mr. Thomas Ponting was my partner. He died on 22nd April of this year. I recognise the signature on the depositions now shown me as the signature of my late partner, Mr. Thomas Ponting.

Inspector ARTHUR NEIL, examined by Mr. BODKIN—I am an inspector of the Metropolitan Police. I was present at Bow Street Police Office on 15th April last, when the prisoner was before the Committing Magistrate, Sir John Dickinson, on the charge in this case. Mr. Ponting was called as a witness, and examined and cross-examined. His deposition was read over to him and he signed it as being correct. The signature on the deposition which is now shown to me is the signature which I saw him make.

The CLERK OF COURT read the following deposition:—"On the 15th April, 1915, this deponent, THOMAS PONTING, on oath saith as follows:—I am a solicitor practising at 8 High Street, Warminster. I have acted for a number of years for the Mundy family. I knew Bessie Mundy. After her father's death I prepared the voluntary settlement (exhibit 67). On instructions received from her, I did not suppose that she was sufficiently competent to manage her financial affairs. I included paragraph 5 of exhibit 67 with a view to her protection, and also paragraph 9. That deed related not only to her share under her father's will, but also to one investment which I think was her private property. The stamp on the deed covers a total value of £2700. I recollect in August, 1910, receiving some letters from a Mr. Wilkinson and a Mr. Eaton. In consequence of a letter from Mr. Wilkinson I forwarded the documents (exhibits 55, 56, and 57)." [Exhibit 55 is a copy of the will of the father, George Barclay Mundy; exhibit 56 is a list of

## George Joseph Smith.

Thomas Ponting

the securities included in the trust deed, and exhibit 57 is a copy of exhibit 67.] On the 13th September I sent to Mr. Eaton the cheque produced (exhibit 90) (being a cheque for £135 2s. 11d.) That was the balance due, less my costs. That cheque was sent to Mr. Eaton and payable to him. I got an acknowledgement from Mr. Eaton. Previously I had received the receipt produced (exhibit 91). Nearly two years later I got some letters from Bessie Mundy from Herne Bay, and in consequence I sent her a copy of the settlement. I got an acknowledgment for it. The date was 12th June, 1912. On the 15th July subsequently I recollect hearing of Bessie Williams' death, and in consequence of hearing that I telegraphed to solicitors at Herne Bay. When I telegraphed I did not know that the inquest was being held on that day. After that I remember getting into communication with Mr. Annesley, a solicitor at Herne Bay. I was acting as solicitor for the trustees under the settlement, and Mr. Annesley was acting for Henry Williams, the executor under the will of Bessie Williams. All the securities covered by the settlement were eventually transferred into the name of Henry Williams. Amongst the property covered by the will of Mrs. Williams there was a small amount of cash in hand from the income under the settlement. That was also handed over. There was some delay as regards one investment. A man supposed to be Henry Williams called at my office in November—on the 18th November, 1912. I believe the prisoner to be the man, but I cannot be sure. That was the only time he came. I remember getting several letters signed "Henry Williams" or "H. Williams." I produce one of the 25th July, 1912 (exhibit 92). That is a letter card to "H. Mundy"—

Herne Bay, Kent. 25/7/12. Dear Sir—If at any time you wish to write, please write c/o solicitors, as I am shortly moving to another house, rendering my address rather unsettled at present. Yours truly, H. Williams.

[Addressed to H. Mundy, Esq., Westbourne Gardens, Trowbridge, Wilts. Postmark Herne Bay, S.O. 7.15 p.m. July 25, '12.]

I produce another one addressed to me, of the 22nd September, 1912 (exhibit 93)—

Henry Williams, c/o Mr. Annesley, Solicitor, 18 High Street, Herne Bay, 22nd September, 1912. Dear Sir—Referring to Home and Colonial affair, I do not see at all how I can be called upon to pay my half share without George Howard Mundy paying his half share at the same time as myself. In fact the whole matter has come rather surprising to me especially at the 11th hour. I find that Probate was granted to me on the 6th inst. Therefore I trust after all this time you will shortly complete the business. Mr. Annesley made an application on my behalf for the money on dept. in the Wilts and Dorset Bank through you, but tells me you did not reply on the matter. Yours truly, H. Williams.

[Addressed to Mr. Thomas Ponting, Solicitor, Warminster. Postmark

# Evidence for Prosecution.

Thomas Ponting

Tunbridge Wells, 9.15 p.m., 22nd September, 1912. Warminster, 9.30 a.m., September 23rd, 1912.]

There is another dated 15th November, 1912 (exhibit 94)—

Bath, 15.11.12. Dear Sir—I beg to thank you for the information conveyed by 'phone through my bank Manager this morning. I shall be glad if you will kindly have the Powers of Attorney for the transfers of the Colonial Securities into my name acted upon at the earliest possible date as I am urgently in need of some money and cannot obtain it till such time as the stock receipts are in my possession. To save time will you be good enough to send the Stock receipts direct to the Manager of the London City and Midland Bank, Bath. Yours faithfully, Henry Williams. T. Ponting & Co., Solicitors, Warminster.

That is urging expedition. A deed of release was executed and dated the 27th November, 1912. It is executed by Henry Williams in the presence of Mr. Bellamy, a bank manager. I produce it (exhibit 95). In the third schedule there is a sum of £43 4s. 6d. cash on deposit, and £56 10s. 10d. cash in hand. I produce exhibit 96. It is a receipt dated the 2nd January, 1913, and signed by Williams. In January, 1913, I got some letters signed "Henry Williams." There was a possible call in respect of one of the securities, on some shares which had not been fully paid, and some of the stock referred to in exhibit 67 was reserved to meet the liability, and in the month of March, 1913, that reserved stock was handed over and the receipt produced (exhibit 97) was given.

Mrs. B. C. A. Williams' Settlement. I hereby acknowledge that Messrs. Herbert Mundy and George Howard Mundy, the surviving Trustees of the Settlement made by my late wife Bessie Constance Annie Williams dated the 8th day of November, 1905, have handed to me a Power of Attorney (duly executed) for Sale or Transfer of £300 Cape of Good Hope Government Inscribed Stock, which Stock was retained by the Trustees of the said Settlement for the purpose mentioned in a Deed of Release executed by me to the said trustees and dated the 27th day of November last, and I hereby accept the same in full discharge of all claims against the said Trustees under the said Settlement and Release or either of them. Dated the 8th day of March, 1913. Henry Williams, J. H. Bellamy, Bank Manager, London City & Midland Bank, Ltd., Bath Branch, Witness.

The reserved stock was Cape of Good Hope stock.

*Cross-examined*—When Miss Mundy came to me she came of her own free will. She appeared perfectly to understand the nature of the settlement that I made for her. It was entirely under her instructions that I prepared the deed.

*Re-examined*—I think there was a consultation of those who were afterwards her trustees before I saw her. I think the sug-

## George Joseph Smith.

Thomas Ponting

gestion that there should be a settlement came from me. I had been solicitor to her father, and I think I advised it on that capacity. Signed by "T. Ponting."

Mrs. MAUD CRABBE, examined by Mr. WHITELEY—I am the wife of Frederick Robert Crabbe, and live at 26 Dorset Place, Weymouth. In August, 1910, I was living at 14 Rodwell Avenue, and letting apartments there. I recognise the prisoner in the dock. I saw him for the first time on 22nd August, 1910, when he came to my house along with Miss Mundy. I had not seen either of them before. They engaged two bedrooms and one sitting room in my house. The lady had a hat box and the prisoner had a small bag. That was the only luggage they had whilst they stayed with me. After they had been with me for a day or two I asked how I should address the lady, as I had not heard her name. The prisoner told me it was Miss Mundy, but that soon it would be Mrs. Williams, as they intended to be married. On 26th August I went to the Registry Office and signed the register as witness to the wedding of the prisoner and Miss Mundy. The marriage took place after two o'clock, I should think. I remained in their company till about six or seven o'clock. I left them in the sitting room in my house while I was preparing tea; that is the only time I think I left them. They continued to stay in my house living as man and wife until 13th September. I remember the prisoner asking me that morning if there was a letter for him. I said there was none. He told me that his wife would be receiving a letter at dinner time, that they were expecting a cheque, and that she would then pay me the bill that was owing. He told me that he had not any money, and he remarked, "The wife has got it all." Soon after that conversation they went out together, about ten o'clock, I should think. The prisoner came back alone about eleven o'clock and asked if there was a telegram for him. I told him that there was one on his sitting room table. He opened it, and after he read it he said that he had to proceed to London at once on special business, and he told me to tell his wife when she returned to dinner that I was to say he had gone on special business, and that if he did not return that night he would return on the Monday. He said that when his wife received the cheque I was to see that she paid me for the rooms. He then went away. That is the last I saw of him until I was at Bow Street Police Court. Mrs. Williams came back about one o'clock and I gave her the message. I also gave her a telegram which had arrived for her. After I gave her the message and she had read the telegram she was very much upset. In the afternoon a registered letter was delivered, addressed "Mrs. Bessie Williams, 14 Rodwell Avenue, Weymouth." Mrs. Williams opened the envelope and then she gave me a letter (exhibit 59)—

## Evidence for Prosecution.

Maud Crabbe

To Mr. and Mrs. Crabbe. I do not know how long I shall be away, so I have asked my wife that if I do not return within a week to hand this note to you. If you and Mr. Crabbe reads the will and the settlement and also the figures stating how her money is put out for her, you will understand then that she has an income of £8 every month payable every 8th of each month. I have agreed with my wife that you should if you will be kind enough to mind this will settlement and the other paper which states how her money is put out to take care of them in your Secure Box until I have them from you, and when I take them away I shall give you 10s. for your trouble. My wife and self absolutely agrees to this. You see we go from place to place and might loose them. While my wife is here alone she can pay you for board and lodging 25s. weekly out of her £8 month, and 30s. each month she is going to put into the P.O. Saving Bank, which will come handy in case of illness or emergency. Please see that she does this; she has also promised me faithfully to remain here until my return, so I am sure she will be in safe hands with you. Of course while you have the front room and sitting-room vacant she could use them. But when they are let she would make herself comfortable in the room she had before with board 25s. weekly. You will find her no trouble, so I hope you will make her comfortable till my return. Yours truly, H. Williams.

The envelope bears no other postmark than that of Weymouth. Mrs. Williams handed me the letter (exhibit 58)—

Dearest, I fear you have blighted all my bright hopes of a happy future. I have caught from you a disease which is called the bad disorder. For you to be in such a state proves you could not have kept yourself morally clean. It reminds me of what you told me in reference to the immorality of "So and so." Anyhow you have got the disease somehow. I don't wish to say you have had connections with another man and caught it from him. But it is either that or through not keeping yourself clean. Now for the sake of my health and honour and yours too I must go to London and act entirely under the doctor's advice to get properly cured of this disease. It will cost me a great deal of money, because it might take years before I am cured. The best thing for you to tell the landlady and every one else that I have gone to France. But tell your uncle the truth that I have caught a certain disease from you and that I have told you that I shall not return to you until entirely cured. But even your uncle may not ever know that we are parted unless he happens to visit you, so you must keep him away. But if other relatives visit you tell them that I have gone to France on business. But your uncle tell him the truth, also tell your uncle that you have promised me faithfully to remain with the landlady here until I return. If he happens to ask you about money, tell him that you kept all the money which was sent to you in a leather bag and two days after I had gone you happened to go on the beach and fall asleep and when you woke the bag of money was gone. If you will not carry out every word of my advice you will cause a lot of trouble and the whole affair will be in the Police Court and you will bring disgrace on yourself and relations. Now study this letter and whatever you do stick to everything you say. Never alter it or else you will get mixed up and make a fool of yourself. When you have read this letter take it in the

## George Joseph Smith.

Maud Crabbe

street and tear it up. After you have studied these letters whatever you do take them out in the street and tear them up and throw them away. As I told you before, tell every one I am gone to France on business, and remain here till my return. No one in the world need know your disgrace if you do what I say and keep away from every one you know. But if your uncle happens to come here and demand why I have left take my advice and tell him the real truth—that I have caught a disease from you and promised to keep away till I am thoroughly cured—which may take weeks, months or years, but he need not know anything in writing as long as he keeps away. Write to him a week before the 8th and mention nothing about it and ask him to send you money order for £8 instead of cheque, but don't write before. It will take me a lot of money for cure. If you are asked by your uncle about money, say two days after I left you had it all in a hand bag and lost it on the beach while asleep. Now stick to every word of this letter and never alter it or else serious trouble and disgrace will fall on all. Ask your uncle about a week before the 8th to always send your cash in a money order so you can change it at the Post Office. Pay the landlady 25s. weekly for board and lodgings and take my advice and put 30s. out of the £8 into the Post Office savings bank—so it will come handy for illness or other emergencies or for us when I return. If you do not I shall be angry when I return. You can believe me that I shall be sure to return to you even if it is years to come. Pray do stop here in this town till I return, and leave the Will and Settlement in the care of the landlady till I come for them myself and tell the landlady that you have £8 every month interest on the will. But whatever you do, never leave any letters about so she could know the addresses of your relatives. Mark what I say, now tear this letter up at once and throw the pieces in the road.

After having read those letters I went with Mrs. Williams to the office of Mr. Eaton, solicitor. We also went to the post office and sent a telegram to her friends. A few days afterwards, her brother, Mr. Mundy, came. I saw a paper in the Williams' sitting room similar to that produced (exhibit 57, a copy of Miss Mundy's voluntary settlement).

FREDERICK ROBERT CRABBE, examined by Mr. WHITELEY—I am a joiner, and live at 26 Dorset Place, Weymouth. The last witness is my wife. In August, 1910, we let apartments to the prisoner. I was one of the witnesses of the marriage. The marriage took place about two o'clock, and I was in the company of the prisoner up to about six or seven. During that time we did not go to the office of a Mr. Wilkinson at all. I have a photograph of myself in uniform in my sitting room. The prisoner noticed it and made a remark about my being in uniform, and told me that he had also been in the Army as a gymnasium instructor. He asked me to feel the muscles of his arms, which I did, and found them to be very large.

Did you judge him to be a weak or a strong man?—Well, by his muscles I thought he would be a strong man.

## Evidence for Prosecution.

William T. Wilkinson .

WILLIAM THOMAS WILKINSON, examined by Mr. BODKIN—I am a solicitor, and a partner of the firm of Andrews, Bennett & Wilkinson, of Weymouth. I was practising there in August, 1910. I remember a man and woman calling upon me upon 26th August, 1910; they gave the names of Mr. and Mrs. Williams. After my interview with them I wrote a letter to a Mr. Ponting, and in consequence of what I requested I afterwards received some papers from him. To the best of my recollection those two persons came in to see me, and asked me if I would get them a copy of the will of the late Mr. George Barclay Mundy, under which I understood Mrs. Williams was interested. My general impression of the interview is that it was Mr. Williams who chiefly spoke to me, but I would not say that Mrs. Williams said nothing, or that there was anything extraordinary about it at the time. I got the documents and certain information from Mr. Ponting. I saw these people again and I repeated to them all that Mr. Ponting had informed me. I informed them that there had been a settlement of Mrs. Williams' interest under the will. I had heard nothing at the first interview about the settlement. I remember speaking to them both—Mrs. Williams, I think, particularly—and suggesting to her that it would be very much better if they went to the family solicitor, who, I understood, was Mr. Ponting. Mr. Williams said something to the effect that his private affairs were no business of his wife's people. I made some inquiries of him as to who he was and where he came from, but he did not seem inclined to give me very much information. He told me that he lived formerly in London, and that he was a picture restorer. He asked me whether any capital sums could be obtained from the will or settlement funds, and he also asked whether a loan could be raised. I was unable to answer that without looking at the settlement, and I do not think I encouraged it. I communicated again with Mr. Ponting, and I received from him a copy of the settlement and also a list of investments. I saw the two people again on or about 1st September, and I handed to them the documents which I had received (exhibits 55, 56, and 57), a copy of Mr. Mundy's will, a list of Miss Mundy's securities, and a copy of her voluntary settlement. I never saw them again. I do not think I made any statement to them as to the general effect of the settlement. I know I did not take much trouble about it, because I knew I was not going on with anything. The third interview was a very short one; they went away from me and I never saw any more of them.

Cross-examined by Mr. MARSHALL HALL—As far as I remember, when they called on me on 26th August it was only in reference to a will.

Re-examined by Mr. BODKIN—I think it was on the second occasion that there was the conversation about raising a loan.

## George Joseph Smith.

Arthur Frederick Eaton

ARTHUR FREDERICK EATON, examined by Mr. BODKIN—I am a solicitor, practising at 4 York Buildings, Esplanade, Weymouth. I remember being visited on 2nd September, 1910, by a man and woman, who gave me the names of Mr. and Mrs. Williams, Redwell Avenue, Weymouth. I recognise the prisoner in the dock as the man who called. They handed me some papers (exhibits 55, 56, and 57), and I read them and saw what their effect was. Mr. Williams told me that this lady was his wife, and that she was entitled to some monies which he wanted me to obtain. He told me that her maiden name was Bessie Mundy, and that she was the person mentioned in the will, in the settlement. He said there was a sum of something over £100, as I understood him, outside the settlement fund, that it was in the hands of the trustees, and he wished me to write to them to obtain payment of this to his wife. He told me that there had been correspondence with the uncle by his wife, but that they did not seem disposed to pay over this money, and he explained that possibly the reason was that he had not been married to his wife very long, and that they had possibly got the idea that he was after the money, and were consequently putting difficulties in the way. He assured me that so far from that being the case he had no knowledge until after his marriage that his wife was entitled to any money whatever, and he wished me to assure the uncle, or rather the solicitor to whom I was to write, that such was the case, and that the object in applying for this money was because his wife wished to join him in setting up a house and starting business. He told me he had known her for six months. I asked Mrs. Williams whether what he had told me was correct, and I questioned her to ascertain that she was satisfied, and wished me to do what Williams requested. I think I put it to her that I could accept what was said to me, and that I could act upon that representation. Her reply was "Yes." I do not think she said very much more than "Yes" all through. Williams said he was intending to set up in business as a picture restorer in Weymouth. I wrote to Mr. Ponting and eventually I received from him the cheque (exhibit 90), dated 13th September. Mr. and Mrs. Williams called on me about eleven o'clock on the 13th. I informed them that I had received this cheque and Williams asked me if he could have it at once. I said that in the ordinary course it would go through the bank, and I should give him a cheque against it, or something of that kind. He urged me to let him have it that day, and I therefore gave him my cheque and paid this in against it. He told me his wife had no banking account, and he wanted the money in cash. I rather demurred, but as he rather pressed it I arranged to get him cash, and he mentioned that he wanted it in gold. Although I did not quite like it, I did not see any real reason why I should refuse it, and so I let him have it. Williams explained that why he



This man taken so no doubt produce  
on account of W<sup>o</sup> Crabt & M<sup>o</sup> Mundy  
going straight to him after I left her.  
My wife made the explanation to him  
and I did the talking.

I told him my calling - ~~and~~  
also told him that this application was  
my wife's business & he must deal with her  
not me.

It was her who suggested to receive the money  
in gold - for the reason I have mentioned  
previous, we paid the money to her.

## Evidence for Prosecution.

Arthur Frederick Eaton

particularly wished it in cash that day was because they were intending to go straight away and buy furniture so as to lose no time in setting about getting this business. In fact he said he had a place in view, and he wanted to get into business right away. I knew Mr. Ponting perfectly well, and I knew that his cheque was as safe as cash. I sent my clerk to get it cashed in gold, deducting two guineas, being the amount of my charges. I think the money was brought from the bank in paper bags, but I could not be certain. I expressed once or twice to Mrs. Williams the advisability of putting the money into the bank, and I said that after they paid for what they immediately required, she should open an account for it. I felt just some misgiving about it, and I tried as far as I could to protect—

To give advice?—Yes. After handing over the money the two of them left, and I never saw Williams again till I saw him in Court at Bow Street. All through the interview Mrs. Williams was very uncommunicative, and I saw that she was easily influenced.

Mr. MARSHALL HALL—How could you see that?

Mr. JUSTICE SCRUTTON—That is cross-examination.

*Examination continued*—Anything else you noticed about her? —I do not know that I can speak of any fact. It is a question of the opinion I formed. She did not take any active part herself in any interview I had with them. She came to my office on 14th September, and she showed me the two letters (exhibits 58 and 59) (the letter from Williams to the Crabbes and that to Miss Mundy). She handed me exhibit 60, which is written on one side of a post-card—

I have just received a telegram from the doctor and have to go to London at once; shall not be home till to-morrow.

Cross-examined by Mr. MARSHALL HALL—You say that Mrs. Williams was undemonstrative?—Yes.

I think at the Police Court you made use of the euphemism "Some women talk too much and others talk too little"?—I do not think that was my expression. It was suggested to me by Mr. Davies, and I accepted it.

To whom did you hand the £133 in gold?—It was counted out on my table, and it was handed to Mrs. Williams. I made a point of it.

HAROLD ALEXANDER GEORGE STEVENS, examined by Mr. WHITELEY—I live at Brookland, Weymouth, and I am Superintendent Registrar for the Weymouth district. In August, 1910, the registrar was Mr. Edward Fookes, who is now dead. Exhibit 45 is a notice of marriage by licence, dated 24th August, 1910, and signed by Henry Williams, who is described as a bachelor,

# George Joseph Smith.

Harold A. G. Stevens

picture restorer, of 14 Rodwell Avenue, Weymouth. The woman is described as Bessie Constance Annie Mundy, spinster. Exhibit 48 is the register of marriages for the district of Weymouth. Under date 26th August, 1910, there is a registration of the marriage to which exhibit 45 applies, signed by Henry Williams and B. C. A. Mundy, the witnesses being F. R. Crabbe and M. Crabbe.

Mrs. SARAH TUCKETT, examined by Mr. BODKIN—I am a widow living at 19 West Field Road, Clifton. In the spring of 1912 I was living at a house called Norwood, in Weston-super-Mare. On 2nd February Mrs. Williams, at the request of her aunt, whom I knew, came and stayed with me as a paying guest. She was known in my house as Miss Mundy. I remember one day, 14th March, her saying something to me and my sending a telegram for her to her aunt. At three o'clock in the afternoon of the same day Mr. Williams called and was introduced to me by her as her husband. I recognise him as the prisoner. I asked him how it was he had left her eighteen months before at Weymouth. He replied that he had been looking for his wife for more than twelve months, and I said I did not understand how he had been looking for her when he knew her relatives and knew where they lived, and how was it he came to find her at my house, where she was staying with me. I understood him to say that he was told she was there by her brother or uncle.

By Mr. JUSTICE SCRUTTON—He had a slight moustache then.

*Examination continued*—Miss Mundy said she wished to go back to her husband. She had forgiven the past. They had been to the solicitor at Weston-super-Mare, and she had promised to return to him. I told the prisoner it was my duty to wire to her aunt to come at once, as I did not wish to be mixed up with the husband and wife. He thought that was quite right, and so I wired to the aunt to come down—I said that Bessie's husband had turned up. She said, "I suppose I may go with my husband," and I said, "I cannot hold you back, you are thirty," and she left with him without taking away any of her belongings. She promised to come back that same night, but I never saw her again. Exhibit 64 is a letter which I received from him—

Weston-super-Mare, 15.3.12. Dear Madam—In consequence of the past and the heated argument which possibly would have occurred if my wife and self had to face you and your friends at Norwood House this evening, thus for the sake of peace we decided to stop away and remain together as man and wife should do in the apartments which I have chosen temporarily. Later on I will write a long letter to all Bessie's friends clearly purporting all the circumstances of the whole affair, solely with the intention of placing all your minds at rest concerning our welfare. All I propose to state at present beside that which has already been stated by Bessie and myself

## Evidence for Prosecution.

Sarah Tuckett

before the solicitors that it is useless as the law stands, and in view of all the circumstances, together with the affinity existing between my wife and self, for any person to try and part us, and dangerous to try and do us harm or to try and do us harm or endeavour to make our lives miserable. It appears that many people would rather stir up strife than try and make peace. As far as Bessie and I are concerned, the past is forgiven and forgotten. Bessie has not only stated that on her oath to the solicitors; but has also given it out to me in a letter written by herself to me, which I shall always prize. Thus my future object and delight will be to prove myself not only a true husband but a gentleman and finally make my peace step by step with all those who has been kind to Bessie. Then why in the name of heaven and Christianity do people so like to constantly interfere and stir up past troubles. It would be more christian like and honourable on their part to do their best to make peace. Life after all is not finished yet. There is time yet to make amends, and if people will only let us alone and with the help of the higher powers which has united us twice, Bessie shall soon have a settled, comfortable home and be happy with me. I trust there are many many years of happiness before us. I thank with all my heart all those who has been kind to my wife during my absence. Believe me Madam, Yours respectfully, H. Williams.

After that I received a letter from Miss Mundy, in consequence of which I packed all her clothes and sent them to Woolwich—I do not remember the address.

WADSWORTH BURROW LILLINGTON, examined by Mr. BODKIN—I am a partner in the firm of Baker & Co., Solicitors, Waterloo Street, Weston-super-Mare. I remember a man and woman coming to see me in my office on 14th March, 1912. I recognise the man as the prisoner. He began by informing me that he had been for some time seeking his wife, and that he had that day casually met her in the street. He then explained to me the circumstances in which he alleged he had left his wife at Weymouth. He said that he believed at the time, although it had subsequently proved to be incorrect, that he had contracted a contagious disease, that he feared to communicate it to his wife, and that therefore he thought it better that he should leave her. He then went on to say after his marriage he had borrowed from his wife the sum of £150, that he borrowed that money in order to repay some friends of his a loan which they had made to him some time before his marriage to enable him to go abroad. He alleged further that, in consequence of his having left his wife and of having borrowed her money, his relations—the relations between himself and Miss Mundy's uncle, Mr. Mundy, were strained, and it was for the purpose of establishing better relations between himself and Mr. Mundy that he sought my assistance. With regard to the £150, the prisoner stated that at the time his wife lent him that money she knew for what purpose he required the loan. I said to the

## George Joseph Smith.

Wadsworth B. Lillington

prisoner, "Are you able to repay that money to your wife?" He said "No." I asked, "Can you repay any part of it?" He said "No." I said, "Are you willing to give to your wife some legal acknowledgment of your indebtedness to her," and I suggested to him that unless something of that kind were done he would be very unlikely to succeed in establishing any better relations with her trustee uncle. He said he was willing to give such security as he could. I asked him if he would give a promissory note to her for £150 bearing interest at 4 per cent. per annum. He said he would. He then requested me to write to Mr. H. Mundy, and to inform him of the circumstances, as told by the prisoner to me, in which he had left his wife at Weymouth, and of his readiness to give the proposed security to her. I dictated a form of promissory note to my shorthand clerk, who typed it, and it was signed on the following day in the presence of my partner, Mr. Ernest Baker. I wrote my letter to Mr. Mundy, and they were to call and see me again on the 16th, which they did, the two together. I read to them the press copy of the letter which I had written to Mr. Mundy, and they both expressed approval of the letter which I had so written. I then read to them the letter which I had received that morning from Mr. Mundy in reply, and I said to the prisoner, "You signed that note, I understand, yesterday, in the presence of my partner, Mr. Baker." He said he did, and that Mr. Baker handed it to his, the prisoner's, wife. I asked her whether she had the note with her. She replied that she had not, that it was at her lodgings; and I then said to her, "I very strongly advise you, Mrs. Williams, to send that note to your uncle, Mr. Mundy, for safe custody; it is better that he should hold it than that you should." I wrote the letter (exhibit 61), in which there is the following paragraph:—

The fact appears to me that Mr. Williams (though as turns out wrongly) was under the impression that he had contracted a contagious disease. In consequence he desired to be absent from his wife for a time and was naturally reluctant to tell her of his true reason for leaving. It is, however, only fair to him to state that he wrote a letter to Mrs. Williams at Weymouth informing her of the circumstances, and of his intention to return so that he has since been assiduous in his efforts to find her in order to provide her with a home.

Did he give you any particulars at all as to how he had been assiduous in his efforts?—No, he said he had been searching for her.

What was the demeanour of Mrs. Williams during the interview?—She was in an assenting demeanour; that is to say, that practically with regard to all the principal statements by the prisoner I challenged Mrs. Williams as to their truth, and in every instance she confirmed the prisoner's statement. Further as to her demeanour,

## Evidence for Prosecution.

Wadsworth B. Lillington

I should say that she had very little indeed to say, except that she did reply to any question I put to her. I think she volunteered the statement that she had forgiven the past. I do not remember anything else that she volunteered. Neither of them said why it was that the prisoner was anxious to get on better terms with Mr. Mundy. I have not seen either of those persons since that interview. They were absolute strangers to me when they came.

CARRIE ESTHER RAPLEY, examined by Mr. BODKIN—I live at Fairy Glen, Victoria Park, Herne Bay, and I act as clerk and secretary to Mr. Wilbee, who is the owner of house property at Herne Bay, including 80 High Street. In the May of 1912 that house was to let unfurnished. Mr. Wilbee attends to his own house letting. We give it to the local agents, and they bring any clients round for me to see in a little office, which I have in his house. On or about 20th May, a man giving the name Henry Williams came to me in regard to 80 High Street. I recognise him in the photo (exhibit 79). He was clean shaven. He asked what the rental was, and I told him £18 per annum on a yearly tenancy, but he said that would not suit him, as he got his money monthly. I said if it was only a question of the payments I had no doubt we could arrange it. I showed him our printed form of agreement, and he said he would like to take the house. I asked him how many people were to occupy the house, and he said, "Only my wife and I. We have been married two years—no family." I asked him what reference he could give me, and he said none. I then asked if he could not give me his previous landlord, and he said, "Never had one," that previous to his marriage he had been living abroad a good deal. I asked where he had been living for the two years he had been married, and he said, "We have been going about to different places and living in furnished rooms. I have just come from Ashley." I asked him for a solicitor's reference, but he could not give me one, and then I said, "Have you a banking account?" On that he put his hand in his coat pocket and pulled out a book. I looked at the cover and said, "Oh, that is a post office savings bank book. I do not mean that sort." I held out my hand to take it, but he put it back again as he said, "You need not be afraid. There is between £50 and £60 there." I said, "If you are going to furnish the house it won't leave much to live on," and he replied, "Oh, but my wife has a private income paid monthly. I have not got anything except that; I dabble in antiques." Speaking about his wife he said, "I might just as well tell you she is a notch above me. She is the daughter of a bank manager, and I met her in a boarding-house. Her friends did not at all approve of the marriage." Mr. Wilbee then came in, I briefly explained the circumstances, and we finally settled that he must have the house on a yearly tenancy, but he could pay

## George Joseph Smith.

Carrie Esther Rapley

the money monthly, the first month to be paid in advance, and the other months as they became due. The house was fit for giving possession at once. A few days later I went over the house with the prisoner to check the landlord's fixtures contained in the schedule, which is attached to exhibit 7, the agreement dated 20th May, between F. H. Wilbee and Henry Williams, of 4 King's Road, Herne Bay. Williams paid the first month's rent on 20th May, and I handed to him the key of the front door. There is no bathroom in this house, nor is there any water laid on upstairs. Williams came frequently to the office about little things connected with the house. Mrs. Williams only came to the office with him on two occasions. At other times he came alone. I remember seeing Mrs. Williams at the door of the house at one o'clock on 6th July. It was the last time I ever saw her. I first heard of her death on 16th July. I had no knowledge of any inquest having been held on the 15th. On the morning of the 16th I was in my office at Mr. Wilbee's. The prisoner came in; he was extremely agitated. Immediately he got in he came up to my desk, which is rather a high one, bent down his head, and commenced to sob. I was very much surprised, and asked him what was the matter. He continued sobbing, and I then said, "Has anything happened?" He looked up and said, "Have you not heard? She is dead." I said, "Who is dead?" and he said, "My wife. She had a fit during the week. I went out. She went to have a bath, and she must have had another fit, for when I came back I found her dead in the bath." I was so shocked that I was quite unable to say anything. I simply stood there and looked at him. And then all at once he said, "Was it not a jolly good job I got her to make her will?" I still could not say anything; indeed, I was more shocked, and he appeared to be angry because I did not say something. Then he said, "Well, is it not the correct thing when people marry for the wife to make her will and leave everything to her husband, and her husband to make his will and leave everything to his wife?" I then said to him, "Did you make yours?" and he said, "Yes." I then looked at him very straight and said, "I thought you told me you had not got anything." He said, "Oh, well, I made my will all the same." He then told me there had been an inquest the previous day. I asked him, "Did you let her relatives know?" and he said, "Yes, I did, and the brutes sent a letter to the coroner, saying it was a very suspicious case. I have never seen any of them, and I never want to." He also said there was some fellow there who was making notes, and he supposed they had sent him. He went on to tell me that his wife's father had died raving mad. I said to him, "Where did you tell me her relatives lived?" and he replied, "I have never told you, but it is a long way off." He had never told me. That

## Evidence for Prosecution.

Carrie Esther Rapley

is all I can remember taking place at that interview. He came again on 24th July, and said, "Well, Hogbens are clearing the furniture out to-day," and I said, "What about the rent? There is another month due to-day." He said, "Yes, I have come to pay you," which he did. He said I must try and let the house for him, but I told him I had no means of letting houses, and he had better see the local agents and try and get some of them to let it on his behalf. He said Dr. French had advised him to go away for a short change and get his nerves quieted down; he was not going far; he thought he should not be gone long, and while he was gone, would I look him up a little place in the country with some land, as he should like to buy a place. I said, "About what figure?" and he said, "No more than £400." That was the last time I ever saw him.

Cross-examined by Mr. MARSHALL HALL—I have been in Mr. Wilbee's service for 36½ years. Mr. Wilbee has a number of houses, and I collect his rents and look after the repairs, but we do not let any property—that is done through the local agents. The first time I ever saw Mr. Williams was on 20th May, 1912, and the last time I saw him was on 24th July of the same year. The matter did not pass from my mind then. All the details of it were very much impressed upon me.

As between 24th July, 1912, and the early part of this year, 1915, did you talk it over with your friends at Herne Bay? No, I have not talked it over, but I thought quite a lot about it.

There is a centre of gossip, is there not, in Herne Bay?—I know nothing about that.

Have you any friends in Herne Bay?—I have not any of my own friends. Of course, living there all these years I know every one and every one knows me, but it does not follow they are friends. If I talked the matter over with any one it would be with Mr. Wilbee, and I think I am safe in saying that I never discussed it with him between July, 1912, and February, 1915.

Therefore, may I take it you have not said a word about these occurrences which apparently impressed you so much for 2½ years?—Yes, I think so.

I understand you said in evidence before the magistrate, "I had seen something about the case in the papers before I told the gentleman about it"—Mr. Wilbee read the paragraph to me, and I said what a very similar case it was to the one that occurred at 80 High Street. Mr. Wilbee thought for a moment and then said, "Well, I do remember something happening there, but I have not got a memory like you. Tell me." It was then that I proceeded to make the statement to him which I afterwards made to the police and at Bow Street.

Do you really pledge your word that you remember the details



## George Joseph Smith.

Carrie Esther Rapley

of the conversations you have sworn to without having them recalled to your mind in any way until you discussed the matter with Mr. Wilbee in the last week in January?—Absolutely.

You have a wonderful memory?—I have.

Did you read the account of the inquest at Herne Bay in the Herne Bay papers?—Yes.

When you read it in the Herne Bay paper you had already heard from the prisoner on the Tuesday that there had been an inquest?—Yes. I am sorry I did not keep a copy of the paper.

It is curious, is it not, that taking such an interest as you did in this matter you did not keep the newspaper reporting it?—I did not. I do not keep rubbish more than I can help.

Did you notice in the report in the newspaper that the coroner had called attention to the fact that one of the relatives had written to say that they must be very careful in the investigation?—I did see something like that.

And that the coroner had said it was important to ascertain exactly how this woman had died?—Yes. I know Dr. French quite well. He is my own doctor. I saw that he gave evidence at the inquest.

According to what you have told us to-day, you seem to have been a little suspicious of Mr. Williams when he came to see you after the death of his wife?—I think I was.

I suppose, if I may judge of you by the short acquaintance I have of you, when once you form a suspicion it is not easily displaced, is it?—I do not know about that.

When you make up your mind about a thing it takes more than one thing to displace that opinion?—Perhaps.

Having formed a suspicion of Mr. Williams when you saw him on the Tuesday, did you not look with some care at the report of the inquest to see what had taken place at the inquest?—Yes, I think I read it very carefully.

And did you find that your own doctor, Dr. French, had come to the conclusion that the death was accidental?—Quite so.

And the verdict, I think, was "Death from misadventure owing to a fit"?—"Death from misadventure," I think it was.

Did that allay your suspicion?—Not altogether. I thought it was a very suspicious case.

If the inquest failed to allay your suspicion, may I take it that that suspicion has been continued on for 2½ years?—No, I think not. I have so many other things to think of, but I have thought of it from time to time.

Without paying you any undue compliment, do you realise that a lady who, after 2½ years, can give detailed accounts, word for word, of conversations that took place 2½ years before, is possessed of a rather extraordinary memory?—Well, I have a very excellent memory.

## Evidence for Prosecution.

Carrie Esther Rapley

You pledge yourself that every word that you have told us is exactly accurate with regard to what took place between you and the prisoner?—Absolutely true. I would almost go as far as to say word for word. Acting on behalf of my employer, my object was to see that I was letting the house to a responsible tenant, and I was satisfied that the rent part of the arrangement would be carried out, otherwise I would not have allowed Williams to have possession of the house.

Until Mr. Williams came to your place of business on 16th July, you had no suspicion of any kind against him?—No.

He was a respectable and desirable tenant?—Yes, I thought so.

Now, I understand on the morning of the 16th July, without any introduction of any sort or shape, Mr. Williams comes in and puts his head down on his arm on the upper part of your desk and sobs?—That was it.

And you, naturally with a woman's instinct, said, "What is the matter, Mr. Williams"? He does not answer, and he is evidently very distressed?—Very.

And then you asked him, "Has anything happened?"—Yes.

And he said, "She is dead," and you said, "Dead—who?"

Did you not know who was dead?—I could not grasp what he meant.

Who did you think was dead?—I could not imagine. Mrs. Williams had been in my presence so recently that I could not realise it.

A good many things may happen in a fortnight?—Yes.

Your attitude to him was not very friendly, was it? You say he looked at your face and was a bit surprised?—My attitude was not friendly or otherwise towards him.

When he said that it was his wife who was dead, did you form any hostile opinion about him then?—No, not at that moment.

Then you say he volunteered without any question on your part, "Is is not a jolly good job I got her to make her will"?—These were the exact words he used.

And that you swear?—I swear absolutely.

And then, apparently, he thought he had said too much, according to you?—Well, I should think he did.

You told us he looked at your face and said, "Of course, is not it the correct thing?"—Yes.

You then began, of course, to get a little inquisitive?—Yes, I did.

You even tried to catch him?—I thought I should like to know more about it.

You asked him a question implying knowledge on your part which you did not possess?—That is so.

A sort of criticism—"Let me see, where did you say your wife's relatives came from?" He never had told you?—No, he never had.

# George Joseph Smith.

Carrie Esther Rapley

Did you suspect him then?—What of?

Of having had something to do, which was not right, about his wife's death?—I thought it was very extraordinary. I thought it was a very curious thing to say that about the will.

And because he said that about the will, according to you, you there and then formed this suspicion about this man's conduct?—Well, there was a suspicion in my mind.

And then the matter passed out of your mind until March of this year, when you gave your account, I think, to a detective?—I cannot say it passed out of my mind, because I thought of it frequently, but I did not talk of it.

Re-examined by Mr. BODKIN—You say you have been five and thirty years in Mr. Wilbee's service?—No, sir, I said thirty-six and a half years.

During the thirty-six and a half years you have been in Mr. Wilbee's service, had anybody come and put his head down on his hands and wept in your office?—No. I am in a magistrate's office, and we have all sorts and conditions of people come, but they do not do that sort of thing.

FREDERICK H. WILBEE, examined by Mr. BODKIN—I am a Justice of the Peace for Kent, and live at Grosvenor House, Herne Bay. I own a good many houses in Herne Bay, and among them 80 High Street. I look after my houses myself. Miss Rapley has been in my service assisting me for a great number of years. I recollect somebody giving the name of Williams becoming the tenant of 80 High Street, on 20th May, 1912. Upstairs, on the first floor, there are three rooms, the back room being over the kitchen. There is no water laid on in the house, except on the ground floor. There is no cistern in the house at all, except the flush cistern, in the outside w.c. In the kitchen there is a copper holding about eight gallons built in in brick in the usual way, with a small fire underneath. I am not quite sure if there was any boiler in the kitchen range; if there was, it would be a very small one, which would not hold more than a gallon. There is no circulation of hot water. From the position of the kitchen, where water can be drawn from the main, I should say that the most convenient room upstairs to take water would be the one immediately over the kitchen because you have only to go up one flight of stairs to it. To the other two rooms you have to go up two flights. [Witness was shown exhibits 164, 156, and 165, being respectively the lock of the front door, a rim lock, without a key, of the room where Miss Mundy met her death in the bath, and a rim latch with a square bolt, of the back room on the first floor, which would have been most convenient to take water to, but which was not used. The jury examined the exhibits.]

## Evidence for Prosecution.

Percy Ruffitt

PERCY RUFFITT, examined by Mr. WHITELEY—I am police constable 254 of the R Division. I am accustomed to making plans. I produce exhibit 99, the elevation of the house at 80 High Street, Herne Bay; exhibit 100, the section of the house; and 101, the plans of the two floors. The house consists of the ground floor and first floor only—no cellars and no attics. There are three rooms on the ground floor, the one at the rear being the kitchen. There is an ordinary kitchen range in the kitchen, but no arrangement for heating water. In order to heat water it would have to be done either over the fire or over the gas stove that is there. I did not notice any copper. Upstairs there are three rooms. To get into the back room over the kitchen it is only necessary to go up one flight of stairs, and to get to the other two rooms it is necessary to go other four stairs.

WILLIAM JOHN MASTERSON, examined by Mr. BODKIN—I am clerk to the Woolwich Equitable Building Society. That Society in 1909 was the owner of the house, 22 Glenmore Street, Southend, and there was somebody named Smith who was in negotiation for the purchase of the house through the Society. On referring to exhibit 111 I find it is from G. J. Smith, and it is dated 10th November, 1909. Exhibit 112 shows a deposit was enclosed by G. J. Smith of £20 in respect of that house. Exhibit 113 sets out the terms on which the purchase was to be—£270, cash on completion, £240, and then instalments. It is signed "George Joseph Smith." Exhibit 114 is a letter dated 7th February, 1910, from G. J. Smith, c/o Taberner, 33 High Street, North East Ham, in which he asks for an advance on his house, 22 Glenmore Street, Southend. As £240 had been paid in cash, there was a considerable margin of value to the Society to lend on. £25 was lent. Exhibit 115 consists of four letters, headed 401 Barking Road, Plaistow, and signed "G. J. Smith" in the same writing. Exhibit 116 is a letter in the same handwriting, dated 3rd July, 1910, and from 66 Boundary Road, Walthamstow. Exhibit 117 is a letter in the same handwriting, dated 1st August, 1910, from 91 Ashley Down Road, Bristol. Exhibit 118 is a letter in the same handwriting from 91 Ashley Down Road, Bristol, and is as follows:—

Dear Sir—I wish to settle up my account with the Woolwich Equitable Society absolutely next Wednesday, 21st inst. Please write letting me know exactly the amount to be paid, also please state at the same time how you make the amount. It would be convenient for me to come at the above date, as it is my early closing day, also the day for cheap train. It is a long way round from Bristol to Woolwich. Perhaps you will be kind enough to point out my best way to Woolwich from Paddington Station. Yours faithfully, George Joseph Smith.

## George Joseph Smith.

William J. Masterson

Exhibit 119 is another letter from the same address, dated 17th September, 1910, and is as follows:—

Dear Sir—In answer to yours of the 15th instant, I think it only right for me to call at your office personally in order to financially settle up my account with the Society. Ref. to 22 Glenmore Street, Southend-on-Sea, I do not care to settle so important a matter simply by postal correspondence, &c., you gave in your letter some possibility of the deeds, &c., not being handed over to me at the office on the day I called. I do not quite understand those rules. Surely, if I come and pay the annual amount required for absolute settlement, I can bring the deeds away with me at the same time. My train arrives at Paddington 1.20 p.m., Wednesday, 21st inst. Please let me know the latest time on that day I can see you for settlement. Yours faithfully, G. J. Smith.

Exhibit 120 is another letter in the same handwriting from the same address, and dated 20th September, 1910. I was in the office on 21st September, and I recognise the prisoner as the person who came to the office that day. There was then due to the Society £93 7s. 11d. in respect of advances on that house, and that sum was paid that day by Smith, all in gold.

Mr. JUSTICE SCRUTTON—You will remember, gentlemen, the £135 cheque, according to the evidence, if you accept it, had been cashed.

*Examination continued*—The deeds were handed to Mr. Smith. Exhibit 121 is the receipt, dated 24th September, 1910, from Southend-on-Sea. On 12th November, 1910, I received the post-card (exhibit 122)—

19a Leigh Road, East Southend-on-Sea. Dear Sir—I shall call at your office Monday the 14th instant to fill up form to borrow £50 on deeds. Ref. to 22 Glenmore Street, Southend, and which I got from you last Monday, but must first seek your advice how to move in the matter, as I have the deeds deposited in another direction for security at present. Shall be glad if you will instruct your clerk to explain the matter to me when I call if unable to see you personally. Yours faithfully, G. J. Smith.

That is in the same handwriting as the other letters, as is also exhibit 123, referring to the borrowing of £50. Exhibit 125 is the application form for the advance of £50, dated 17th November, by "George Joseph Smith, of 19a Leigh Road, East Southend-on-Sea. Occupation, antique and general dealer." That advance of £50 was made. Exhibit 126 is a postcard dated 13th July, 1911, from 69a Sheen Lane, East Sheen, Surrey—

Ref. 22 Glenmore Street. Dear Sir—Unless your Society is able to advance the sum asked for, please cancel my application for same. Yours truly, G. J. Smith.

That is followed by a letter in the same exhibit, dated July,

## Evidence for Prosecution.

William J. Masterson

1911. The amount mentioned is £225, a further sum required to be borrowed. Exhibit 127 is a letter in the same handwriting, dated 17th September, 1911, asking for a further loan on the same house. Exhibit 129 is a letter in the same handwriting, from 157 Leigh Road, West Southend-on-Sea, dated 2nd April, 1912, intimating to us that Mr. Francis has agreed to buy the house from G. J. Smith, and to pay a deposit on it, and requesting Mr. Thomas, the Society's solicitor, to see the matter through. Exhibit 130 is a letter dated 18th March, asking for a further advance of £100 on the same house, the name of the applicant being George Joseph Smith, of 21 Anglesea Road, Woolwich.

ALBERT FREDERICK HUGGELL, examined by Mr. BODKIN—I am managing clerk to Mr. H. E. Thomas, solicitor, of 111 Powis Street, Woolwich, who acts for the Woolwich Equitable Building Society. In the spring of 1912 I had the conduct of the matter of the sale of 22 Glenmore Street, Southend, from George Joseph Smith to Frederick William Francis. Exhibit 131 consists of four letters, signed G. J. Smith. These are letters from the vendor of the house for whom we were acting. They are all headed from 157 Leigh Road, West Southend-on-Sea, and the dates range from the 6th to the 19th of April, 1912. Exhibit 132 consists of a bundle of eleven letters. These are all signed by and are in the handwriting of our client, G. J. Smith. They are all headed 17 Bellevue Road, Ramsgate, and they range in date from 23rd April to 11th May. In his letter there are the words, "Please register all letters to me and oblige." Another letter says, "When you send cheques please write the words, 'please pay bearer cash.' As you know I never keep a banking account, so I do not want any difficulty in changing the cheque, and oblige." The next letter, dated 20th April, says—

Dear Sir—Ref. to your letter this morning. It is all right. I am now communicating with my sister, so you need not trouble further. Yours truly,  
G. J. Smith.

I cannot explain that, unless he is referring to his wife as his sister. The last letter, dated 8th May, says—

I thank you for your letter this morning. Shall be glad if you will kindly let me know by return of post the earliest possible day when you will send me the money due, as it is very urgently required, and oblige, Yours truly, G. J. Smith.

The letter of 11th May is the same—

The money is very urgently required in cheque or money order. The latter would be more easy for me to change, having no banking account.

## George Joseph Smith.

Albert F. Hudgell

The transaction was completed, and the sale effected, on 13th May. After deducting the advances by the Society, there was a balance of, I think, about £14, which was paid. Exhibit 133, dated 14th May, and posted from Ramsgate is the receipt—

Received balance of sale, with thanks, referring to 22 Glenmore Street, Southend. Please return all letters which come to the Society for me to Mrs. Smith, 102 Ashley Down Road, Bristol.

I recognise the prisoner as my client.

The Court adjourned.

## Evidence for Prosecution.

Third Day—Wednesday, 24th June, 1915.

PHILIP DE VERE ANNESLEY, examined by Mr. BODKIN—I am a solicitor practising in Herne Bay. I recognise the prisoner. I saw him in the summer time of 1912 in my office at Herne Bay. I knew him by the name Henry Williams. He came to me along with Mrs. Williams on 18th June. I had not seen either of them before to my knowledge. I know the house 80 High Street. I had noticed a brass plate on the door of the house before this visit. The brass plate which is now shown me is the one—"H. Williams, Art Dealer, Pictures, China, Curios and Antique Furniture, &c., bought." Mr. and Mrs. Williams came to see me about their wills. Mr. Williams brought in two wills which he had roughly drawn up and I informed him that they were out of order. I cannot recollect in whose handwriting these documents were. The chief thing I recollect about the document or documents is that they were not witnessed; I did not take very much notice of them. Mr. Williams produced a copy of a voluntary settlement which he had received from Messrs. Pontings—their name was on the copy—and Mrs. Williams said she was desirous of revoking this voluntary settlement as she was desirous of purchasing a house for Mr. Williams. I examined the settlement, and I informed her that I did not think she would be able to do so without the consent of the trustees.

Did she say anything about the circumstances under which it was made?—Yes, she said she had been worried either by the trustees or their solicitor to settle it on her brothers in this way. She said she was very young at the time, and that she now regretted it as she wanted to use the bulk of the property, to the best of my recollection. Mr. Williams also made remarks about it, that they wanted to use the bulk of the property for buying a house, and for setting him up in business, but I cannot remember his exact words. (Shown the settlement, exhibit 57.) It was a copy similar to that. Exhibit 56, which is a list of investments, was handed to me, I believe, by Mr. Williams. I said I should like to consider the whole question of whether the trust could be revoked, and I asked them to call the next day, and also the question of making the wills in favour of one another. Mr. Williams said to me he was afraid of the interference of the wife's relations, and I suggested that mutual wills could be made in favour of one another, and Mrs. Williams had power, of course, under the settlement, to appoint all her property. I said I knew it was perfectly



# George Joseph Smith.

Philip de Vere Annesley

legal to make mutual wills, and also to enter into a deed of covenant not to revoke them, but I said I did not know whether it would be effectual, and I should advise counsel's opinion being taken on the subject. That was, I think, probably on the next day, the 19th, when they called. I accordingly drafted out a case for counsel, and on 25th June I saw Williams with it. Mrs. Williams was with him on that day. I find from my notes that he called alone on the 22nd as well, and that I read to him the proposed draft for counsel, the two mutual wills, and the deed of covenant not to revoke each other's will. There was a subsequent interview on the same day when I saw both Mr. and Mrs. Williams, and they executed the draft wills. Mr. Williams, I think, was under the impression at the time that they were the wills, so I said to him, "Well, you can execute them if you like." After I had gone through the draft case for counsel, Mr. Williams suggested a sixth question, which I took down in pencil at the time—"Does Mrs. Williams' marriage, being made subsequent to the voluntary deed of settlement, enable her by any way to put an end to such settlement, she having been informed by her aunt that this was the case?" That question was added to the ones I had drafted on which counsel's opinion was to be given, with the exception of the end of the sentence, about the aunt. The case for counsel, and the documents specified in it, were sent to counsel in London. I got back the opinion of counsel on 2nd July, and a copy was sent to the prisoner. He brought it to me at my private house in the evening, and seemed displeased with it. I said to him I should like to see Mrs. Williams by herself upon it, having regard to the opinion of counsel, and he said he would get her to call. Exhibit 200 is the opinion of counsel. In the first question he was asked whether the course suggested would carry out the wishes of Mr. and Mrs. Williams, and, if so, settle the draft wills and covenants. This is the answer—

The donee of a general power of appointment exerciseable by Will can covenant not to revoke a Will exercising the power; there is therefore nothing illegal in Mrs. Williams taking the suggested course, but whether it would be effective is another matter. I deal fully with this point later on.

2. (Q.) If counsel is of opinion that another course is desirable, he is requested to prepare the necessary documents.

(A.) I do not think Mrs. Williams can take any other course as long as the Settlement stands.

3. (Q.) Whether the Trustees under the Voluntary Settlement have power to dispose of the corpus of the property by purchasing an annuity in favour of Mrs. Williams, or by any other means with or without the consent of Mrs. Williams subsequent to the signing of the suggested documents. The answer is—The Trustees have power at any time to use the corpus of the fund in the purchase of an annuity for Mrs. Williams. This can be done with or without the consent of Mrs. Williams, and whether the suggested

## Evidence for Prosecution.

Philip de Vere Annesley

documents are executed or not. If they were to use the corpus in this way, it would, of course, render the power of appointment absolutely worthless.

4. (Q.) Would clause 13—that is the Settlement—affect the making of the Deed of Covenants?

(A.) Clause 13 would not affect the Deed of Covenants.

5. (Q.) What remedies would be available should either party break the Deed of Covenants?

(A.) The Court will not order specific performance of a covenant not to revoke a Will (*In re Parkin*, 1892, 3 Chancery, 510). The only remedy a covenantee would have if the covenant were broken would be an action for damages against the executors of the covenantor. For example, if Mrs. Williams, in breach of her covenant, revoked her will and appointed the property to some one else, the remedy of Mr. Williams would be an action for damages against Mrs. Williams' executors. The question would then arise whether the property so appointed would be liable to satisfy any judgment he might obtain. The cases of (So-and-so) would seem to answer this question in the negative, but both these cases dealt with the state of affairs previous to the Married Women's Property Act, 1893. I think that since this latter Act the question would be answered in the affirmative. There is, however, a further point to be considered. Mrs. Williams might break the covenant by revoking her Will and not making any appointment, thereby allowing the property to lapse as provided by clause 6 of the Settlement. In this case even if Mr. Williams were to obtain a judgment against Mrs. Williams' executors, he could not satisfy it out of the property in question, as a general power by Will not executed by a married woman is not property liable for her debts. Unless therefore Mrs. Williams had other property of her own, Mr. Williams would in such a case have no remedy for any breach of covenant by Mrs. Williams.

6. (Q.) Does Mrs. Williams' marriage being made subsequent to the voluntary deed of settlement enable her by any way to put an end to such settlement, she having been informed by her aunt that this was the case?

(A.) Mrs. Williams' marriage since the Settlement does not enable her to set aside the settlement. I think probably that at any time before her marriage she might have insisted upon the trustees transferring the corpus to her on the ground that she was the sole *cestui que* trust. But however that may have been, the effect of her marriage has been to bring clause 5 (the restraint upon anticipation) into operation, and she cannot now demand the handing over of the fund.

Generally I am bound to add that I do not consider the proposed arrangement very satisfactory. The Courts regard married women jealously, and discourage dealings with their property in favour of husbands. I think comparatively slight evidence of pressure on the part of the husband might induce the Court to set aside a covenant of this nature tying up a woman's power of disposition. I do not see how it can possibly be for her benefit to make such a covenant, and I think it is the duty of her advisers to point this out. The case of *Powell v. Powell*, 1900, 1 Chancery, 243, was a different one in many respects to this, but I think the observations of Mr. Justice Farwell are well worth considering. I understand Mrs. Williams does not desire to have the original settlement set aside, but in any case I could not express any opinion on that point without much more information

## George Joseph Smith.

Philip de Vere Annesley

as to the circumstances under which it was entered into. Any proceedings to set aside would, however, be hopeless, until Mrs. Williams had applied to the trustees under clause 13. G. F. Spear, 2 Paper Buildings, Temple. July 1st, 1912.

On the next day, 3rd July, I saw Mrs. Williams at my office, and had a conversation with her. By the 8th July the two draft wills had been engrossed and were executed by both Mr. and Mrs. Williams in the presence of myself and my clerk, Mr. Barwood. The two documents were put in envelopes with the name of the testator and testatrix respectively on the outside, and the executor and the executrix and handed to Mr. Williams, and he stated he would put them in the bank for safe custody. That day, 8th July, was the last occasion on which I saw Mrs. Williams. The next time I saw Mr. Williams was on 17th July, when he came to my office and reported to me what had occurred in the meanwhile. He said that he had found his wife dead in a bath, and that Dr. French had spent some half hour in trying to restore her to life again, and he said the inquest had been held, which surprised me, as I had no knowledge of it, and a verdict had been arrived at by the jury of drowning by misadventure. He said a brother of the deceased had written a letter to the coroner. He did not tell me the contents of the letter, but he was very much upset at the fact, I know. He said some one had been there to represent the relations, and I think I asked him whether they addressed the coroner, or anything, and he said, "No." He said he had written or sent a telegram to the relatives as to the funeral, and that they did not come.

In what condition was he in his manner?—He was very agitated indeed. In fact I have never seen any one in the same condition of agitation. I said to him, "Pull yourself together, man." He asked me about a letter he wrote to, I think it was, the uncle of Miss Mundy, and he showed me this letter. I could not say from memory what was in the letter, but it was a letter explaining the circumstances to Mr. Mundy, and it seemed a very proper sort of letter to me at the time. I find from my diary that it was on the 18th that he showed me the letter. On the 17th he asked me what would be the cost of proving the will, and I said it was really impossible to say, but I thought it would be about £30. He seemed to think that rather a lot, and went away. He called the next day and gave me definite instructions to prove the will. I got the will eventually from the bank. On that 18th he asked me to write a letter to one of the trustees for the list of securities.

In the course of proving the will and realising the estate I got into touch with Messrs. Ponting, of Warminster. The executors' affidavit was prepared in my office. He is described as "Henry Williams, late of No. 80 High Street, now of 25 Grovefield Road, Tunbridge Wells, Dealer in Antiques," and the net value of the

## Evidence for Prosecution.

Philip de Vere Annesley

estate was £2571 13s. 6d. At first a caveat was entered, but it was withdrawn, and the will was proved, I think, on 6th September, 1912, and probate was taken out on 6th September. The property was all in investments, and in regard to this there was considerable correspondence between me and Messrs. Ponting. Eventually the securities were realised through the London City and Midland Bank, both at Tunbridge Wells and at Bath. The money for paying the funeral and other expenses was lent by Parr's Bank, Herne Bay, on my guarantee.

I never saw Williams after the 18th July until this year. Instructions or communications to me from time to time after that date were by letter, mostly by registered letter. I received the letter (exhibit 150) dated 29th July, and headed "146 High Street, Margate"—

Dear Sir—I thank you for your letter. I was born either at Brixton S.W. or Kensington S.W. But I never did know correctly. I have no parents living. My father was a commercial traveller who died about 25 years ago. My mother died soon after. My father, Henry John Williams; mother, Jane Williams. I met my wife B. C. A. Williams at Bristol before marriage. We went from there to 14 Rodwell Avenue, Weymouth, and married from that address, witnessed by the landlord and his wife of same address. I went to London and elsewhere after the marriage. My wife and I lived at 6 Wallicote Grove, Weston-super-Mare; from there to 35 Wilmount Street, Woolwich, Kent; from there to 50 Flora Road, Ramsgate; from there to 95 Beaver Road, Ashford, Kent; from there to 80 High Street, Herne Bay. When I met my wife I had no settled address; I was travelling collecting antiques, &c. I had not long returned from Canada. I had been to Canada twice before. The only person my wife introduced me to who knew her aunt was a lady at Norwood House, Weston-super-Mare, last March. All that I know is that I am B. C. A. Williams' lawful husband. Believe me, Yours faithfully, H. Williams.

I received exhibit 151, which is a letter from Henry Williams, c/o Mr. S. Taylor, 140 High Street, Margate, dated 31st July—

Shall leave Margate, 1st August, to go further in mid-Kent buying antiques. I hope you are making good progress towards the business you have in hand on my behalf.

I also received exhibit 152, dated 12th August, 1912, and headed "Henry Williams, c/o H. B. Lord, 25 Grove Hill Road, Tunbridge Wells, Kent"—

Dear Sir—Please note new address. I shall be here for two or three weeks at least. I shall be ready at any time you want me, but let me know beforehand, if possible a day before.

Exhibit 153 is from the same address, and is dated 20th August—

# George Joseph Smith.

Philip de Vere Annesley

I return herewith Will, Affidavit and Oath duly sworn. Will you kindly pay the duty for me and deduct same out of the estate. Please acknowledge receipt of the papers.

I received exhibit 154—

25 Grove Hill Road, 27th August, 1912. When the time arrives for me to receive the proceeds of the estate I desire you to send that money to my credit at the London City & Midland Bank, Limited, Bath, and to close my account at Parr's Bank, Herne Bay, for which I shall have no further use.

I also received exhibit 155, which is dated 26th September, 1912, but it does not have any address on it—

Dear Sir—I thank you for your letter of to-day's inst. I must say Pontings are taking up an extraordinary amount of time in doing their part of the business. I am leaving Tunbridge Wells to-day, therefore please do not write me again until I have forwarded you my new address.

I received exhibit 156, which is headed "Mr. Henry Williams, c/o Mrs. Blatchley, 8 Lower Wells Road, Bath, 30th September, 1912," with a note in the corner, "Kindly register all my letters"—

Dear Sir—I am making an application for a further loan of £100, viz., London City & Midland Bank, Limited. Therefore I trust that directly you hear from them in reference to my application for this loan you will kindly do your best in furnishing the information they require, and that no delay will be made. When I get the £100 I do not think it will be necessary for me to obtain a further loan.

Then exhibit 157, dated 3rd December, from 8 Lower Wells Road, Bath—

Dear Sir—It is very strange that you do not demand on principal to Ponting & Co. that they should without further delay settle the business with Mr. F. Mundy. You must know that I have to pay interest for the loan, and it is quite time saying the least that the Wilts and Dorset matters were settled, and also the £43 odd now on deposit, something will have to be done shortly. I trust you will take the right course and come to business. Yours, &c., H. Williams. P.S.—You enclosed me some time ago a letter; I trust you will not forward any more and tell any one else who inquires after my address that you have no instructions whatever to disclose my address or business affairs. My business with you is absolutely confidential.

Exhibit 158, dated 6th December, from 8 Lower Wells Road, Bath—

Dear Sir,—I have your letter. I have also instructed the manager of the bank, Tunbridge Wells, what to do. When I receive the money from the London City & Midland Bank, Tunbridge Wells, Ref. to the Wilts

## Evidence for Prosecution.

Philip de Vere Annesley

& Dorset Bank Stock, I will then pay Ponting his account. You do not mention anything in either of your previous letters in regard to all the interest and dividends which has been going on since July last. I trust now that you will do your best to hurry matters up. Please inform me the necessary information regarding the Cape of Good Hope and the remaining stocks and shares at your earliest. Yours truly, H. Williams. *P.S.*—I have now a letter sent to my address here, and it causing friction. The only persons who know my address belonging to Herne Bay is yourself and clerk, I could swear to that; now how could this particular person write me without you or your clerk giving my address.

Exhibit 159 is headed "C/o London City & Midland Bank, Ltd., Bath, 9th January, 1913"—

Dear Sir—Any information in reference to the remaining business div. &c., please address me as the above. All future letters. I have not got the div. from the Rays or any of the others. Yours faithfully, H. Williams. *P.S.*—Should any one from Herne Bay, &c., inquire of my address, kindly tell them you have no instructions to disclose my business.

At the end of that month of January I ceased to have any communications from him or to act for him. By that time all the estate had been realised, except one stock, which, I think, Mr. Ponting dealt with.

Cross-examined by Mr. MARSHALL HALL—To deal with the last point first, the letter which has been read, in which the prisoner complains that his address has been given to some people—did you know that somebody had written to him and asked him for a loan of £1000?—No, I did not know. I saw Mr. Williams on about eight occasions. I am not interested in antiques. I have a French clock in my office regarding which Mr. Williams said, "That's a nice French clock you have there." I did not contradict him, because I did not know whether it was or was not. He never came to see me on the question of antiques. On his first visit to me he brought what purported to be two wills written on one rough document. I saw Mrs. Williams' handwriting when she executed her will.

Did you notice the peculiar similarity between his writing and her writing?—No, I cannot say that I did.

Look at the wills for a moment and look at the two signatures. There is an extraordinary resemblance, is there not?—They are rather alike, but I had never noticed it before.

What I am trying to found on that is this, that it would be very difficult to say whether a document from your recollection was in the handwriting of Mr. and Mrs. Williams?—That may be.

Mrs. Williams took part in the conversation, and you are quite clear, are you not, that it was Mrs. Williams who told you she was very young when the settlement was executed, and she

# George Joseph Smith.

**Philip de Vere Annesley**

wanted to deal with it now?—She said she was very young at the time, because I asked her.

Did you say this before the magistrate—"Mrs. Williams informed me that she had been induced by her brothers, who afterwards became the trustees of her settlement, to make a settlement of certain trust property which she had inherited from her father, Mr. George Bailey Mundy"?—Yes, that was her statement.

"She stated that she was quite young at the time when she made this settlement, and that she was desirous of revoking this settlement because she wanted to assist her husband in his business and to buy a house"?—Yes, she did say that. The negotiations and the business that I had to transact in connection with the realisation of the property went on from July, 1912, to January, 1913.

Re-examined by Mr. BODKIN—Regarding what has been read to you from your depositions—did the lady make the statement which you repeat here right off like that?—No, she did not say that word for word. That was the purport of her answers to my questions, to the best of my recollection, three years ago.

**FREDERICK HENRY BARWOOD**, examined by Mr. TRAVERS HUMPHREYS—I am clerk to Mr. Annesley, the last witness. I remember in June, 1912, a Mr. and Mrs. Williams being clients of Mr. Annesley. I recognise the prisoner as Mr. Williams. I recollect the preparation of a case for counsel, and the opinion coming back from counsel. On the morning that it came, Mr. Williams called at the office, and I had a conversation with him. I told him that the opinion had been received, but that I did not have it with me at that time. Mr. Williams said he would come later. I made a copy of the opinion and took it in an envelope addressed to Mrs. Williams at 80 High Street. Mr. Williams asked me what it was, and I told him. I said that it was not favourable to the wishes expressed by himself and Mrs. Williams. I do not think he said anything, but that he would call the next morning and see Mr. Annesley.

Cross-examined by Mr. MARSHALL HALL—Did you write to the prisoner yourself on a private matter?—No.

Were you about to purchase a house at that time?—No.

Did you in fact purchase a house at that time?—No.

Did you send him a photograph of the house, or did any one else do so in your name?—No.

Did you never send him a photograph of the house and ask for a loan of £1000 to purchase it?—No, never. There is nobody else of my name in Herne Bay.

**ADOLPHUS MICHAEL HILL**, examined by Mr. WHITELEY—I am an ironmonger carrying on business at 46 William Street, Herne Bay.

## Evidence for Prosecution.

Adolphus M. Hill

I recognise the prisoner. I first saw him some time in May, 1912. In July of that year I had a second-hand bath for sale, which the prisoner saw standing in my shop. He asked me the price and I said it was £2. His wife came in a day or two afterwards and offered 37s. 6d., which I accepted. The bath was delivered about 9th July. The bath was a five-foot bath with a plug at the bottom. A few days after 13th July I saw the prisoner again in my shop. He asked me if I would take the bath back again. I do not think he gave any particular reason for asking me to take it back, except that he was leaving the neighbourhood. The bath had not been paid for, and I took it back. There was never anything paid for the bath.

At this stage a bath was brought into the Court, which the witness identified as the bath in question.

Cross-examined by Mr. MARSHALL HALL—It was the lady who did the cheapening? She got the half-crown off?—Yes.

ALFRED APPS HOGGIN, examined by Mr. BODKIN—I deal in furniture, and I am also an undertaker at Victoria House, Herne Bay. I recognise the prisoner. I sold furniture to him in the end of May and beginning of June, 1912, amounting in all to £20 17s. 6d. The furniture was sent to 80 High Street. I recollect the prisoner coming to my place on Saturday, 13th July, of that year, and asking me to go round with him to take measurements and arrange about his wife's funeral. He said she had died in a bath, and supposed that I had already heard about it. I went round to his house, and in the middle room upstairs I found a woman's body lying on the floor.

Was there anything else in that room?—A bath.

Anything else?—Nothing that I remember. There was no covering on the floor—just the boards.

Was she lying there on the boards?—Yes. I measured the body; it was 15 inches across the shoulders and 5 feet 11 inches in length. I supplied a coffin according to those measurements.

Did the prisoner say anything about the funeral, as to what kind of funeral it was to be?—It was to be moderately carried out at an expense of seven guineas.

And a grave?—He did not purchase a grave, but there was nothing unusual about that. I conducted the funeral on Tuesday, 16th July, at the cemetery at 2.30.

Can you tell me when it was arranged that the funeral should be on the Tuesday?—It could not have been on the Saturday, because there was an inquest to be held, which was held on Monday, and they could not decide about the funeral until the inquest had been settled.



## George Joseph Smith.

Alfred A. Hosbin

But will you tell me on what day it was that the funeral was arranged for the Tuesday?—It must have been on the Monday morning that it was provisionally arranged, provided the inquest went favourably. If there had been any post-mortem the funeral could not have been on the Tuesday. There was nothing with regard to the inquest which disturbed the arrangement, and so the funeral took place at the time it was provisionally arranged for. After the funeral I was paid the sum of seven guineas, which included everything. Two days later I saw the prisoner again. He asked us to buy back the furniture, and I said that we should be pleased to do so. He said that he supposed he would have to suffer a loss in selling it back to us. I paid him £20 4s. for the furniture, and also for a piano which we had not sold to him. My cheque (exhibit 256) is dated 24th July. The prisoner said that he would probably be moving about the county, or something of that, and he was going to Ashford. He said he wanted to come back and he wanted to treat for some small property, if we had any available, as he had benefited by his wife's death.

By Mr. JUSTICE SCRUTTON—There was no headstone put on the grave; there was nothing in the cemetery to show where the woman was lying.

*Examination continued*—On 18th February of this year I took part in the disinterment of a body in Herne Bay Cemetery. I saw a coffin taken out of a grave. It was the coffin which had been supplied by me; there was no question about that. On the coffin there was a plate with the name "Bessie Annie Constance Williams." I saw the body in the coffin, but I was not able to recognise it.

Are you able to say to the jury that that coffin and plate were supplied by you for the particular interment on 16th July, 1912?—Yes.

Cross-examined by Mr. SHEARMAN—You told us he wanted the funeral moderately carried out?—Yes.

Did he also say he wanted it decently carried out?—I am quite sure that he did not say that.

Did you say at the Police Court that the prisoner said, "So long as the funeral was carried out decently"?—That was at another time. He said, "After one was dead it did not matter so long as it was carried out decently." I measured the body carefully, and I found that the length was 5 feet 11 inches. When I said at the Police Court that the length was 5 feet 10. I was speaking from memory and had not my note with me.

I put it to you the length of the body was 5 feet 7½?—Certainly not. In the ordinary way she would be a woman who stood 5 feet 9. I took the extreme length from the tip of the toes to the head. The furniture which the prisoner bought for £20 17s. 6d. was sufficient

## Evidence for Prosecution.

Percy Millgate

for one bedroom and one sitting room well furnished, and some kitchen things.

Re-examined by Mr. BODKIN—The coffin was made specially from the measurements which I had taken.

PERCY MILLGATE, examined by Mr. TRAVERS HUMPHREYS—I live at 157 High Street, Herne Bay. The street has been re-numbered, and my house was formerly No. 79, being next door to No. 80. I knew in July, 1912, a Mr. and Mrs. Williams who lived at No. 80. I recognise the prisoner as Mr. Williams, and I also recognise Mrs. Williams in the photograph (exhibit 79). I used to call at their house every day with bread and flour. I called there on Saturday, 13th July, between ten and half-past ten. Mr. Williams asked me if I had heard the news, and I said, "What news." He said his wife had been found drowned in the bath that morning. He did not tell me who had found her. He asked me if I would take a telegram down to her brother, which I did. I went back to the house between 4 and 4.30 that same afternoon to ask Mr. Williams if there was anything I could do for him. He came to the door and called me in, and asked me if I would go and ask Mrs. Millgate for a few pieces of rag for the woman to wipe up some blood. I asked for them and I got them. I went and asked my wife for them, and I took them back to Mr. Williams. He took me upstairs to the middle bedroom.

Did you see the body of his wife there in that room?—The body, yes.

Was there a woman there at that time?—Yes.

Did you do anything else that day, or see any more of him that day?—No, except that he came to our house at night time to ask Mrs. Millgate for a bedroom. He did not sleep in my house that night, but he slept in it at the end of the week when our bedroom became vacant. He slept a week with us and boarded with us for a fortnight, sleeping at another house the first week. I attended the funeral with Mr. Williams. I asked him if any of his friends were coming, and he said he did not expect they would. I used to see Mrs. Williams when I delivered bread to the house. She came to the door nearly every day. She always seemed to be in good health when I saw her.

What sort of looking woman was she?—Oh, very nice—a dark-looking woman. She was a tall, medium-sized lady. The last time I saw her alive was on Friday morning, the 12th, when I was delivering bread. She was in perfectly good health that morning. On 15th February of this year I was asked at Bow Street Police Court whether I could identify Mr. Williams. I saw a number of men together in a room, and I recognised Mr. Williams, the prisoner, among them. I put my hand on his coat, and he remarked that I had mistaken him for some one else. On 19th

# George Joseph Smith.

Percy Millgate

February of this year I saw a coffin containing the body which had been disinterred. I was not able to recognise the body by its features.

Cross-examined by Mr. MARSHALL HALL—I used to see Mrs. Williams occasionally when she went out for a walk. The photograph which has been shown to me is a fair representation of Mrs. Williams, but I have seen a better one in the newspaper—the *Express*, when it was shown to me at Bow Street Police Office. I believe there was a report of the inquest in the local paper, but I did not read it, nor do I have a copy of the local paper.

Dr. FRANK AUSTIN FRENCH, examined by Mr. BODKIN—I am a medical practitioner in Herne Bay. I recognise the prisoner as Mr. Williams, whom I saw at Herne Bay in the summer time of 1912. I should think that my house is about three hundred yards away from No. 80 High Street. The first time I saw Mr. and Mrs. Williams was on 10th July in my partner's consulting room in High Street. I was in the surgery when they called about 9.30 in the morning, and I saw them alone. Mr. Williams said that his wife had had a sort of fit the previous day, that she had lost consciousness. I think that was all as far as he was unaided by me; I had to ask him leading questions. By a leading question I mean a question which assumes the fact and suggests the answer. I asked Mr. Williams if there were any movements of the limbs and jaws, and he said there were, that the limbs were twitching and the jaw moved, that "she opened and shut her mouth." I then examined her and looked at her tongue to see if there were any recent or old scars from biting the tongue in a previous fit, but I could not find any. I examined her heart and pulse and found them to be normal. I asked her if she had ever had a fit before, or if any of her family had suffered from fits, and she said no.

You told us that the prisoner said that she had lost consciousness. Did you put any question about that to her?—I do not remember. I know she told me that she did not remember anything about a fit, and that all she complained of the previous day was a headache. I think the prisoner had mentioned that she had had a headache. I asked her if there had been any incontinence of *fæces* or urine, and the answer was no. I asked her if any of her family had suffered from epilepsy and I was told no—I forget whether it was by her or by the prisoner. I asked if there was any insanity or mental trouble in any of the relatives, and I think that the prisoner then said that her father had some form of mental trouble, and I believe she confirmed it, but I cannot remember what she said. I prescribed some bromide of potassium, fifteen grains to a dose, which is really a small dose for an adult. I made up six doses in a six-ounce medicine bottle. It was to be

## Evidence for Prosecution.

Dr. Frank A. French

taken three times a day, and the object was to act as a sedative. Supposing there had been no fit, that medicine would not have done any harm to her at all.

At 1.30 a.m. on Friday, the 12th, Mr. Williams called for me to go and see his wife as she had had another fit. I went to 80 High Street and found Mrs. Williams sitting up in bed in the downstairs room at the back of the house. She was flushed and had rather clammy, moist hands. The best way I can describe her condition is that she was as some one who had been recently awakened from sleep on a hot night. It was a hot night. I cannot remember what sort of light there was in the room; I think it was a lamp, and it was a fairly good light. Mrs. Williams had a night-dress on. I do not think there was anything in the moisture on her hands and the clamminess; it was just what I would have expected due to the weather. I examined her heart and pulse and found them normal. Her tongue was not very clean, in the sense that the stomach was a little wrong. There were no marks of biting. The prisoner did not describe the fit in any other way than that it was similar to the other fit, that there were movements of the limbs. I think I asked her how she felt, and either she or the prisoner said she had a headache. That is all.

By Mr. JUSTICE SCRUTTON—I cannot remember whether anything was said as to whether Williams had been in his bed, and as to whether they had been asleep.

*Examination continued*—The prisoner was dressed in his ordinary clothes when he came to me, and had his boots on. The only symptom I ever heard Mrs. Williams complain of was the headache. I found that she had no more medicine and I suggested that the prisoner should come back with me and I would make it up and he could take it back with him. I made up the same medicine—bromide of potassium—exactly the same preparation of bromide as before, fifteen grains to the ounce. I gave it to the prisoner and he went away with it. I said I would call later in the day, and I called at the house about three o'clock in the afternoon. I knocked at the door, but I did not get any answer. Just as I was going away Mr. and Mrs. Williams came in at the gate, and I went back and went with them into the sitting room. Mrs. Williams seemed to be in perfect health. I asked her how she felt, and I think she said she felt rather run down, or something like that. I believe she complained of lassitude, of feeling tired. It was a warm day. I would probably feel her pulse. On the Saturday morning, about eight o'clock, my servant handed me a note while I was dressing—"Can you come at once? I am afraid my wife is dead," or words to that effect. I did not keep that note; I threw it away. I do not remember whether it was signed, but I think it must have been. After finishing my breakfast I went round to 80 High Street as quickly as I could. The door was

# George Joseph Smith.

Dr. Frank A. French

open, and as I knocked on it Mr. Williams called for me to come in. He came from a downstairs room, and he followed me as I went upstairs. He directed me into the room to the right. When I got into the room I saw a bath in the centre of the room with Mrs. Williams' body lying in it. The bath was three parts full of water. She was just lying on her back with her head towards the sloping end. Her face was upward and partially submerged; the mouth was in the water, and I think the nostrils. Her legs were stretched straight out from the trunk. The toes of the feet were out of the water, resting on the end of the bath, not on the top of the bath, at the side of the bath.

At this stage the bath was brought in and placed at the end of the solicitor's table.

The bath was standing in the middle of the room with this end (pointing) towards the window, so that if any one outside looked through the window they would see the back of the person's head in the bath.

The FOREMAN OF THE JURY—My lord, one of the jury has expressed a wish that some one should be put in the bath for ocular demonstration.

Mr. JUSTICE SCRUTTON—I can only suggest to you that when you examine these baths in your private room you should put one of yourselves in. Get some one of you to try it who is about the height of 5 feet 9.

Mr. MARSHALL HALL—I would ask my friend Mr. Bodkin to provide us with some one about that height.

Mr. JUSTICE SCRUTTON—I think it is much better the jury should try for themselves, Mr. Hall. There are disadvantages in the French system of reconstructing a crime.

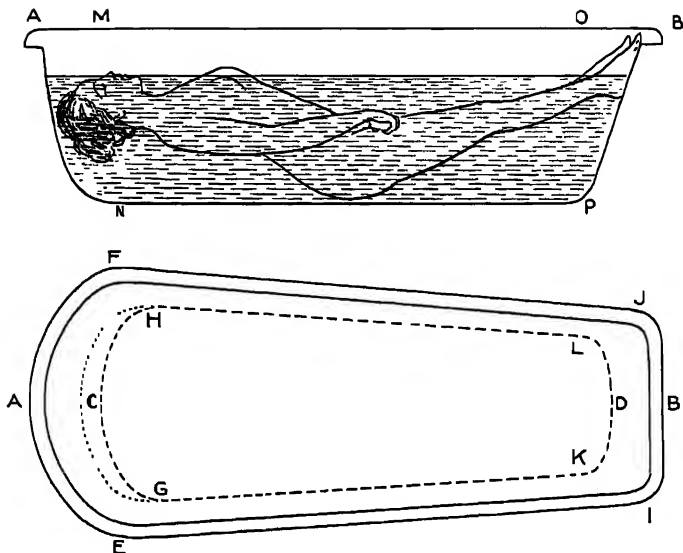
*Examination continued*—The back of the head was against the slope of the bath and the crown of the head was a little below the level of the top of the bath.

By Mr. JUSTICE SCRUTTON—The bottom of the spine was resting on the bottom of the bath. I really could not describe exactly the position of the body, as I was occupied in trying to bring her round.

*Examination continued*—The feet were partly out of the water. The legs were straight out, by which I mean that they were not bent at the knees. The arms were down by the sides.

By Mr. JUSTICE SCRUTTON—Was the body straight or inclined to one side or the other?—Straight.

*Examination continued*—I think the water was clear. My impression as regards the temperature of the water was that it was slightly raised. I felt her pulse and found that she was pulseless, and then, with the assistance of Mr. Williams, I got her out of



### Herne Bay Bath.

Length, inside, 5 feet,	-	-	-	-	-	-	A-B*
" flat bottom, 3 feet 8 ins.,	-	-	-	-	-	-	C-D
Width, sloping end, top, 2 feet,	-	-	-	-	-	-	E-F
" " bottom, 1 foot 6 ins.,	-	-	-	-	-	-	G-H
" tap end, top, 1 foot 7 ins.,	-	-	-	-	-	-	I-J
" " bottom, 1 foot 1½ ins.,	-	-	-	-	-	-	K-L
Depth, sloping end, 1 foot 4 ins.,	-	-	-	-	-	-	M-N
" top end, 1 foot 4½ ins.,	-	-	-	-	-	-	O-P

Height of woman, 5 feet 8 ins. or 5 feet 9 ins.

(Undertaker's measurement, 5 feet 11 ins.)

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\* B is the spot where the taps would have been fitted.

## Evidence for Prosecution.

Dr. Frank A. French

the bath. Before taking her out of the bath I raised her head so that her mouth should be above the level of the water. In doing that I have no doubt that I would alter the position of the body, but I do not remember. The body was warmer than the temperature of the water.

Was it the normal temperature of the body?—I could not say, I do not remember.

Was there anything about the temperature of the body when you handled it which struck you at all?—No. After taking the body out of the bath I tried to see if the water in the mouth and open passages would flow out, and then I laid her on her back and performed artificial respiration. She had false teeth; they were in place.

Was she dead?—Yes.

Was there anything about the appearance of the face which you noticed?—Her face was bluish all over.

In handling the body, lifting it out of the bath, was it flexible or not flexible, limp or stiff, in whole or in part?—I do not think it was stiff; there was nothing remarkable. It was lifeless.

It was limp?—Yes.

Any part of it was not stiff?—No.

Did the accused give you any account of it?—Yes, he told me that he got up and went out at 7.30 that morning to get some fish, and that when he came back about eight o'clock he went up into the room that he used as a bathroom and found his wife lying in the bath. I asked him why he did not get her out. I am not sure whether I asked him that on that occasion or a day or two afterwards. Whenever it was that I put the question, he answered and said that it was too heavy.

Did you notice some soap there?—Yes, it was clasped in her right hand. It was a square piece of Castille soap, a piece that might be cut off a bar.

Did you form an opinion of the cause of death?—Yes. From what I saw the opinion I formed of the cause of death was that it was asphyxia, caused by drowning.

Will you tell us from what you formed that opinion?—I found her in the bath and her nose under water; on pressing on the chest water flowed out of the mouth with froth; the facts were consistent with that she died by drowning.

You made no post-mortem examination?—No. On the following morning I gave evidence at the inquest.

Cross-examined by Mr. MARSHALL HALL—I have been in practice at Herne Bay for some five years. I knew nothing at all of Mr. and Mrs. Williams until they called upon me on 10th July, 1912. The next time I saw her was when I was called to the house in the middle of the night, and the third time was when I saw her

# George Joseph Smith.

Dr. Frank A. French

at three o'clock in the afternoon. The fourth time I saw her was when I saw her dead body in the bath.

You knew, did you not, when you gave your evidence before the coroner that a letter had been received by the coroner requesting that great care should be exercised in the investigation into this death?—Yes.

And I suppose you would give a carefully considered opinion before expressing it as to the cause of death?—I should do so under any circumstances.

May I take it that, having regard to the fact that these events took place in 1912, and we are now in 1915, your recollection would be more accurate in 1912 than it is now?—Yes, certainly. I heard Williams give his evidence at the inquest. As far as I could judge, the evidence that he gave tallied with what my own observations had led me to deduce.

In giving your evidence before the coroner you said this—"Mr. Williams said his wife had had a fit the previous day, and I asked him to describe the fit. He said there was some opening and shutting of the mouth and spasmodic contraction of the arms and legs." Would that not convey to any one who heard it the impression that you had asked for a description of what Mrs. Williams had suffered from, and that he had given it to you?—Yes.

Did you go on to say before the coroner—"I asked the wife if there was any history of fits"?—I cannot remember. I have not seen the deposition since it was made before the coroner. It was not read over to me.

Did she tell you that her father had died in a mad-house?—I think she confirmed it, if she did not actually tell me. She was present, at any rate, when I was told that.

Did you say this before the coroner—"I believed that she had had an epileptic fit, and prescribed for that"?—Yes.

As regards the visit in the middle of the night, did you say this before the coroner—"Her hands were moist. It was a very hot night. She said that she felt headachy, which is compatible with the after effects of an epileptic fit"?—Yes, I said that.

I will now pass to the occasion when you were called in the early morning. Are you quite sure when you got to the house that Mr. Williams was downstairs?—I am quite certain.

When you got into the room upstairs the first thing was that you saw the body in the water?—Yes.

Was the head of the bath hard up against the window, or was there a space behind?—A space. You could walk behind it. I should think that Mrs. Williams would weigh somewhere about 10 stone. I have not calculated what would be the displacement of a body of 10 stone.

In your opinion, what was keeping the tension of the feet on the end of the bath?—The weight of the shoulders, I think.



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That is to say, the actual gravity or weight of the shoulders pressing down reflects on to the feet at the other end?—Yes. The hair of her head was wet.

Have you any doubt that the whole of the body, the whole of the face and head, had been under water?—I have no doubt. I could not say that all the hair had been under the water, but probably it was.

Of course, the body had been moved before you saw it, as far as you know?—Yes, probably. I have no doubt that she was quite dead when I saw her. The temperature of the body was normal; there was nothing to remark about it, and I really do not remember about it.

If it had been colder than you would have expected to find it, then the mere fact of finding it cold would have caused you to remember it?—Yes. Of course, I was not looking after any particular temperature.

It had been a peculiarly hot night in a very hot period?—Yes, it was.

You would not like to pledge your oath that any warm water had in fact been added to the water in the bath?—No. I do not know where the cistern is in that house.

I think the first thing you did was to raise her head, to get her head above the water-level?—Yes.

How long do you think she had been dead at that time?—I could not say.

The rigour had not set in?—No.

Could you form any opinion as to about how long she had been dead?—Not many minutes, I should take it.

You very properly endeavoured to apply artificial respiration. That, of course, would only be available within a very limited period after death?—Yes, quite so.

Did you say this before the coroner—"Her face was rather blue, as if she had met her death in an early stage of epilepsy. No signs of a struggle of any sort or shape, and in her hand a large piece of soap"?—Yes.

Did you say this before the coroner—"I think she had had an epileptic seizure"?—Yes.

And that was your honest opinion at that time?—It was.

After you got her out of the water, did you ask her husband to hold her tongue while you performed artificial respiration?—Yes, which he did. Her false teeth were removed. I should think that her height would be about 5 feet 9. I did not form any opinion as to whether she was what is called long in the back or long in the legs. I could not say whether she was sitting normally in the bath. I could not say where her shoulders would come to in the bath if she was sitting normally. I could not say whether the point of contact with the bath was at the back of the head, or whether it was over

# George Joseph Smith.

Dr. Frank A. French

the whole of the back and head. The shoulders were touching the back of the bath. I could not say whether the body below the shoulders was lying against the slope of the bath.

If the woman was sitting in the bath—I am dealing with the theory put forward by my learned friend—unapprehensive of any violence, if anybody were to catch hold of her foot at the lower end of the bath and the bath was full of water, as you saw it, she would have ample opportunity of putting her arms across the outside of the bath to prevent her going under?—Yes.

Anybody would, naturally and normally, be expected to clutch the top of the bath?—Yes.

Do you think it would be possible to have drowned anybody of 5 feet 9 in that bath unless they were either unconscious or under the influence of a fit?—Yes, I think if the legs were taken hold of by surprise—if you surprised a person in the bath and rapidly drew them away.

As she was sitting in the bath, if she sat at right angles, flexing her hips at right angles, to the trunk, she would be able to sit with the feet not touching the edge of the bath?—Yes.

Then anybody would have to dive into the bath, pull the feet out, and then drag the feet right up. Do you mean to say it would be possible unless the person had become unconscious?—Oh, quite.

Did you make any examination of the body externally?—Yes. There were no marks at all. She was a well-developed woman and of strong health, so far as I could judge from her external appearance.

There was nothing in her external appearance inconsistent with the opinion you had formed that she had had an epileptic seizure?—No.

Re-examined by Mr. BODKIN—I have no doubt that the opinion I have expressed to-day as to the cause of death being suffocation from drowning is correct. There was no appearance of the body inconsistent with that opinion.

My friend has read to you a suggestion quite properly of something you said to the coroner, that you thought she had an epileptic seizure. Will you tell me your grounds for saying that you thought she had an epileptic seizure?—I thought at the time when I was giving evidence before the coroner that she had had an epileptic seizure.

Could you throw your mind back to that time and tell us why at that time you thought she had an epileptic seizure?—Two people walk into my consulting room and tell me a tale that is consistent with epilepsy. At that time I have to put some leading questions, but I have no reason to suppose that there is any suspicion attaching to them. However, I get the information, and the information leads me to suppose that it sounds like epilepsy that this woman is suffering from. It is not wonderful that I do not see her in a fit, because in

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nine cases out of ten when you are first consulted about an epileptic attack you do not see the patient in a fit. I am called in a day and a half afterwards, and again I do not see her in a fit, but her condition is not inconsistent with that of a person who has had a fit recently. The following day I am called in, and I find her drowned in a bath. Again I have no suspicion; I have no reason for suspicion that there is any foul play. The woman is grasping a piece of soap in her hand, and, as Mr. Marshall Hall has said, people when they are seized by the legs, or something else like that, would put out their hands to grasp the bath. I cannot understand to this day how it was that she was grasping that soap. I did not examine the soap at all; I simply released it from her grasp.

Suppose a person died suddenly with something in her hand, would that be still retained after death?—Yes, if they were grasping a thing.

If a person having a piece of soap in her hand died suddenly, would that grasp be continued after death?—Yes.

By Mr. JUSTICE SCRUTTON—If she fainted would she hold on to it?—I should think not. I do not know.

*Re-examination continued*—You were asked about Mrs. Williams saying that she was headachy, and whether that was compatible with an epileptic fit?—Yes. A headache is compatible with other things, such as a hot summer in Herne Bay in a house in High Street, and being wakened in the middle of the night. I do not think it was Mrs. Williams who said that her father had died demented. I think the prisoner made the remark, and she confirmed it.

Is the grasping of an object by a person drowning quite a common thing?—Yes.

Any object within reach?—Yes, but I think that the object would probably be an object that was fastened down. I do not know that a person would grasp a thing that is floating.

By Mr. MARSHALL HALL—Is death by drowning sudden or slow?—It is, comparatively speaking, sudden.

Preceding death by drowning, is there not always a period of unconsciousness?—Yes.

By Mr. BODKIN—And does that period of unconsciousness which precedes death by drowning vary in its duration?—Yes, from hours down to almost a minute and a half.

[A note was handed up by the jury.]

By Mr. JUSTICE SCRUTTON—Supposing a lady had lost consciousness through some sort of fit, what effect would it have on the grip of the hand on the soap?—It depends what sort of fit it was. I base my opinion on the early stages of epilepsy, because the soap has been clutched.

You mean if it were a fit which produced rigour of some sort, then she might clutch?—Yes.

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And another stage of epilepsy might lead to relaxation?—Yes.

Assuming a lady had lost consciousness through being seized by a fit, would it have any effect on the condition of the lungs?—No.

Again, assuming the lady to have lost consciousness through some sort of fit, what effect would it have on the straight-out legs?—There, again, it depends on the state.

Do you answer in the same way, that if it were the early stages of epilepsy it might lead to rigour and straightness?—Not necessarily to straightness, but to rigidity.

And if a later stage, limpness?—Yes.

Was the lady floating?—No, she was lying on the bottom.

Did you notice whether the buttocks or spinal column were resting on the bottom of the bath?—I did not notice, but they must have been.

JOHN KITCHINGHAM, examined by Mr. BODKIN—I am a police constable in the Kent County Constabulary. I was at Herne Bay in June, 1912. About ten o'clock on the morning of the 13th I went to 80 High Street. I had heard of the death of Mrs. Williams. I saw the prisoner at the house and told him who I was and what I had come about. I asked to see the body, and he said, "Is it necessary?" I replied that it was quite necessary, and then I went upstairs.

You went into a room upstairs, and did you find there the body of a woman lying naked on the floor?—Yes. I looked at it, and I found no indications of violence at all. I saw the bath; it was about three parts full of soapy water. The prisoner made a statement to me which I took down there and then. In that statement he said—

His wife's name was Bessie Constance Annie, aged 35 years. They both got up together at 7.30 a.m. that morning, and he went out to get some fish. He returned about eight o'clock, unlocked the door, went into the dining room and called to his wife. Getting no reply he went into the bedroom that they used on the same floor, but she was not there. He then went upstairs to the back bedroom and found the deceased in the bath with her head under the water. He raised her head and spoke to her, but got no reply. He then went for Dr. French, who came almost immediately and assisted him to lift her out of the bath. The doctor applied artificial respiration, but of no avail.

Cross-examined by Mr. MARSHALL HALL—I suggest to you that when you saw the bath it was not more than half-full?—I think it was a little more than half-full.

Re-examined by Mr. BODKIN—I am only speaking from my recollection as regards the depth of the water in the bath.

RUTLEY MOWLL, examined by Mr. BODKIN—I am a solicitor practising at Dover, and I hold the position of coroner for East Kent.

## Evidence for Prosecution.

Rutley Mowl

Can you tell me when you first heard of the death of Bessie Constance Annie Williams?—I expect I heard of it from the police on the day it occurred, on the Saturday. I think I found that the inquest could not be taken that day, and the constable probably rang me up on the Monday morning, and I decided then to take the inquest on the Monday afternoon at 4.30 o'clock. I took the depositions myself. There were two witnesses, the prisoner, Henry Williams, and Dr. French. The prisoner was sworn in the usual way, and he gave evidence. I had before me the report by Constable Kitchingham, and then I asked the witness questions, and he answered them. I took down what he said in my own handwriting, and that was read over to the prisoner and signed by him. I took Dr. French's deposition in a similar way, but it was not signed by him. Under the Coroners Act, unless there is a verdict of manslaughter, the depositions need not be read over and signed.

By Mr. JUSTICE SCRUTTON—I saw the body along with the jury. I am not quite certain whether the jury saw the bath. The body was at the house, but I cannot remember in which room it was.

*Examination continued*—To the best of my belief and recollection the body was in a coffin; and my impression is that it was upstairs. I am not sure whether it was in the room where the death was. I took down the following deposition:—

I live at 80 High Street, Herne Bay, and am an art dealer. I identify the body as that of my wife, Bessie Constance Annie Williams, who lived with me at the same address, aged 35. I have been married to her 2 years. No children. During the last week my wife has been very queer; she had a sort of nervousness and headache. She had a fit on Tuesday night, another on Thursday night. She had never had fits before. On Wednesday morning I went to see Dr. French with my wife. The doctor sent medicine, which she took. On Thursday morning at 1 a.m. she had another fit; she was in bed at the time. I went for Dr. French, who returned with me. He saw my wife. The fit was by then over, but she was nervous and her hands were clammy. I went back with the doctor and fetched some more medicine, which she took. On Friday afternoon the doctor came. She was all right Friday night. On Saturday morning, 13th July, 1912, we both got up together about 7.30. I went out for a stroll and got some fish. I returned about eight o'clock. No one was in the house excepting my wife when I went out. I locked the front door when I went out. We always did that, as the slam-to latch was out of order. I went into the dining room and called out for her; then I went upstairs, looked into the bedroom, and then into the bathroom. She said the night previously she would be having a bath that morning. She was in the bath. Her head was right down in the water, submerged. She had a piece of soap in her hand. I spoke to her, raised her head. I pulled her head right out of the water and rested it on the side of the bath. I then went straight after Dr. French. I asked him to come. I went back at once and had just got upstairs when I heard the doctor coming. I called him up. Her head had sunk down again in the bath, her mouth being

## George Joseph Smith.

**Rutley Mowll**

on a level with the water. The doctor felt her pulse and said he was afraid she was dead. The doctor and I got her out of the bath. I held her tongue while the doctor used artificial respiration. After about ten minutes he said it was hopeless. The bath was about three-quarters full; it was tepid; I did not get the water. We slept downstairs, and I had not been upstairs that morning previous to finding her in the bath. We have been on good terms together. I had only just bought a lot of new things for her, clothes and furniture. Her life was not insured. She had private means. I have never seen any of her relatives. I communicated the news of her death to her uncle and her brother on the Saturday soon after the doctor left. Paper shown to me purporting to be a copy of a letter from her brother, George Howard Mundy, to me, has not, in fact, been received by me. [Then questions put by the jury.] The water would have to be carried upstairs into the bathroom. She must have carried it up herself, I do not know when. I cannot say whether she was dead when I first saw her in the bath. I found no life in her then. There was a bucket in the bathroom. I came from Ashford to Herne Bay, Kent, about three months ago. My wife bought the bath; we had it fixed. It had to be emptied by the bucket, as there was no pipe to drain it. [Recalled.] I wrote the note to the doctor in my house before I went for the doctor.—Henry Williams.

The verdict of the jury was that the cause of her death was that while taking a bath she had an epileptic seizure, causing her to fall back into the water of the bath and be drowned, and so the deceased died from misadventure. Before the inquest was held I received a letter from Mr. Howard Mundy, which I now hand in. In the same envelope there was a copy of a letter which was said to have been sent to the prisoner, and which I showed to him. (Exhibit 66.) There was no post-mortem examination of the body, nor do I think there were any measurements either of the bath or of the body in evidence before the jury.

Cross-examined by Mr. MARSHALL HALL—When I went to see the body I had the jury with me, so that whatever I saw the jury had an opportunity of seeing. My impression is that I saw the body in a coffin and in the same room where the bath was. Dr. French was in the room when Mr. Williams gave his evidence, and he would have an opportunity of hearing everything that Mr. Williams said.

If Dr. French had disagreed with any statements, he could, of course, have contradicted them?—Yes.

As a matter of fact, did Mr. Williams sign, and not the doctor? Was it merely accident?—I think you must put it together with the letter I had received.

Was it in consequence of the letter which you had received from Mr. Mundy that you thought it desirable that Mr. Williams should sign the deposition?—Yes.

And were you fully alive to the responsibility of the inquest

## Evidence for Prosecution.

Rutley Mowll

having regard to the communication you had received from Mr. Mundy?—Yes, I think so.

Re-examined by Mr. BODKIN—The inquest was begun and concluded on the Monday.

JOHN KITCHINGHAM, recalled, further examined by Mr. BODKIN—I acted as coroner's officer at the inquest on the body that I saw on the Saturday morning. To the best of my recollection the jury went into the dining room downstairs at 80 High Street to see the body. I think the body was lying on the bed. I do not think the jury went upstairs at all. I do not think they saw anybody in a bath such as I saw upstairs in that house.

Further cross-examined by Mr. MARSHALL HALL—To the best of my recollection the body was in the dining room. I have never been asked about this till to-day. I was present in Court and heard Mr. Mowll give his evidence to the effect that he and the jury went to see the body in the same room where the bath was, and that the body was in a coffin.

Do you really mean to say that you would like to pledge your oath that to the best of your belief the body was on a bed in the dining room?—I could not swear to it.

When the jury came back did they know that the woman had met her death in the bath?—Yes.

So that anybody might have asked to see the bath if they wanted?—Yes.

Do you not think if they had not seen it they would have asked to see it?—Oh, no.

Mrs. FRANCES STONE, examined by Mr. WHITELEY—I am a widow living at 155 High Street, Herne Bay, which used to be No. 78. I was living in that same house in July, 1912, and the people living next door to me, in No. 79, were Mr. and Mrs. Millgate. I remember hearing of the death of Mrs. Williams. I recognise the prisoner. He came to my house on 13th July for a week, to sleep there, and he had his meals at the Millgates'. During the week he had a bedroom in my house he had a latchkey. He was always late when he came in at night, except on one occasion when he came in about eleven o'clock, and I gave him his candle. After I gave him his candle he came down again and said, "It is no use; if I went to bed I could not sleep; I must go out again."

Did you notice his condition when he said that?—Yes, he looked very hot and frightened. He went out, and I do not know when he came back again, as I had gone to bed and was asleep.

Mrs. ALICE MINTNER, examined by Mr. BODKIN—I am the wife of Laurence Mintner, who is a carpenter, and I live at 9 North Street, Herne Bay. I remember going to 80 High Street, Herne Bay, about

## George Joseph Smith.

Alice Mintner

4 p.m. on 13th July, 1912, in consequence of a message from Dr. French's dispenser. Mr. Williams, the prisoner, opened the door and asked me, "Are you the nurse that has come to lay my wife out?" and I said "Yes." He took me upstairs to the middle bedroom. When I got into the bedroom I saw the lady lying on the floor behind the door. I asked Mr. Williams for the usual things for laying her out—a nightdress, brush, and comb, bath sponge, and a towel, and I then prepared the body for burial. I noticed that the deceased woman's hair was done up in curling pins, and that there were curdles of soap all intermixed with it. The hair was dry then, but the soap suds were left. I noticed foam on her mouth. I was paid 5s. by the prisoner, and then I went away.

Mrs. ELLEN MILLGATE, examined by Mr. WHITELEY—I live at 157 High Street, Herne Bay, which was formerly No. 79, and I was living there in May, 1912. I remember Mr. and Mrs. Williams coming to the house next door, No. 80. I recognise the prisoner as Mr. Williams. I remember the brass plate (exhibit 134) being put up on the door. On Saturday, 13th July, Mr. Williams came about 10 or 10.30 a.m. and asked me if I knew a woman who could lay his wife's body out. I asked him if he had sent for the doctor, and he said, "Yes," and that he had promised to send a woman but she had not come. I went myself to No. 80 at two o'clock in the afternoon, and knocked at the door, and was let in by Mr. Williams. I asked him if the woman had come and he said no, and then I asked if I could do anything to help him. He asked me to go upstairs with him, and we went into the middle bedroom upstairs. When we got there he said, "She is not there." I went in while he stayed outside on the landing. Not seeing anything but the bath, I looked behind the door and I saw Mrs. Williams lying on the floor quite naked. That gave me a great shock, and I turned round suddenly and said, "Oh dear, it is not covered over." Mr. Williams looked frightened as I started back. I went back again into the room and I noticed then that she was lying on the edge of a sheet which I picked up and covered over the body. I noticed some clothes on a chair which was standing near to the bath and some on the floor. The corsets were lying on the chair, and the remainder of the clothes were on the floor. I did not notice any towels. I asked him to fetch me a pillow, just to put under her head, as her head was on the bare floor. I then went downstairs and asked Mr. Williams if he had had any dinner, but he said no. I handed him some food over the garden fence. In the evening he came and asked me if I knew where he could get a bedroom. As my house was full of summer visitors I sent him next door, to Mrs. Stone's, No. 78, where he got a bedroom. He took his meals at my house for a fortnight and slept at my house for one week. The first night he came to sleep at my house



## Evidence for Prosecution.

Ellen Millgate

he asked me about a lamp being put in his room, as he said he could not sleep without a light. I put a lamp in his room, and he asked me to light it before I retired for the night and turn it low, which I did. I gave him a latch key. I do not know at what time he used to come in as I never heard him once. When he left me he told me he was going to Margate. I received the letter (exhibit 135) enclosed in the registered envelope (exhibit 136), and written on a telegraph form—

I have received the money for these things, so I hope you will not delay in sending them. Dear Mrs. Millgate, I enclose key. Please forward carriage paid all the washing belonging to me; shall be glad if you will pay your end as I may not be in when it arrives. I shall not be here long before going to Ramsgate, but I shall be here long enough to receive the things, excuse such a short note as I have only just got here. My kind regards to all. I hope you will manage to let the house before my return.

Then he gives his address, "Henry Williams, c/o Mr. Setterfield, 158 High Street, Margate"; and there is written on the back of the telegraph form—

I shall be glad to leave Margate for Ramsgate. This place is absolutely packed with people.

I received the letter-card (exhibit 137) from Margate, dated 29th July—

Monday. Dear Madam—I have sold all the washing you have of mine, therefore I trust you will be good enough to forward same without delay as you promised to do. Referring to the payment for washing, you had the blinds and other things for the payment of same. I can say no more at present.

I received exhibit 138, dated 30th July, also from Margate—

Dear Mrs. Millgate, the goods have not yet arrived. The person who has paid me the money for them expects to have them to-day. Please send them to me as promised, and prevent further unpleasantness.

The last letter I received is exhibit 139, from Margate, dated 1st August—

Dear Mrs. Millgate—I received the goods to-day quite correct. I leave Margate to-day for Mid-Kent, I shall be pleased to see you when I return. I have not forgot your kindness to me in the time of need; perhaps you will understand me better later on. I hope you will succeed in letting the house. I feel much better since coming here. Yours faithfully, H. Williams.

Cross-examined by Mr. SHEARMAN—I have gas laid on in my house. I left it on a little bit in the passage at Mr. Williams' request. There was no gas in his bedroom.

## George Joseph Smith.

James P. Galpin

JAMES PERCIVAL GALPIN, examined by Mr. BODKIN—I am manager of Parr's Bank, Herne Bay. There was an account opened at that bank in the name of Henry Williams on 24th June, 1912, by the payment of £38, which was made up of a cheque for £33 and a £5 note, the cheque being drawn by Mr. Herbert Mundy in favour of Mrs. Bessie Williams. On 26th June there was a cheque for £20 17s. 6d. drawn in favour of Hogbin Bros., and on 8th July there was a cheque cashed in the name of Williams for £5, and also a cheque for 13s. 9d. in the name of Gore. Then on 11th July there was a cheque for 6s. 9d. in the name of Wastall; then another cheque for £7 7s. in favour of Hogbin Bros.; then a cheque for 10s. 6d. in the name of Stone, and another cheque in the name of French for 18s. These cheques go down to 27th July. On the other side of the account, in addition to the £38, there were two sums of £5 paid in on 27th and 28th June, and then a cheque for £20 4s. was drawn by Hogbin Bros. After the end of July there was an arrangement with Mr. Annesley by which the account was put in credit to the extent of £100 for the purpose of being drawn upon for the expenses of proving the will, and so forth. At the close of the account on 24th September we put on the credit side £96 2s. 8d. from the London City and Midland Bank, Tunbridge Wells, and that closed the account.

THOMAS HEAD SLEDALL, examined by Mr. BODKIN—I am the manager of the London City and Midland Bank, Tunbridge Wells. I recognise the prisoner. He came to me and opened an account at my bank in the name of Henry Williams. My bank got into communication with Parr's Bank at Herne Bay. The first arrangement was that we should cash Bank of England notes for Mr. Williams. Then there were drawings out of my bank in September and October, but that was not under orders from Parr's Bank; it was under our own arrangement. Subsequently we had eighteen shares in the Wilts and Dorset Bank deposited with us. Those shares were disposed of by the bank and realised £652 8s. on 6th January, 1913, and the account was credited to the drawings which had taken place up to that time. By that time £509 3s. 9d. had been advanced by my bank, leaving after some small charges, a balance of £142 7s. 9d. Of that amount £31 7s. 2d. was drawn out, and the balance of £111 0s. 7d. was transferred to the branch of the London City and Midland Bank at Bath. On 20th September, 1912, the prisoner deposited a parcel with us and asked us to take care of it as it contained some valuable papers. When he opened his account the address we had was 25 Grove Hill Road, Tunbridge Wells. When the account was closed by the transfer of the balance of £111 0s. 7d. to Bath, on 9th January, the parcel of papers was handed back. I remember receiving the letter (exhibit 160) from the prisoner—

## Evidence for Prosecution.

Thomas H. Sledall

9th January, 1913. Dear Sir—I thank you for letter and cheque re. Annesley. Please send my papers I left in your bank on to me c/o Manager, Bath Branch L.C. and Midland Bank. I have lost the receipt you gave me for the sealed parcel referred to. Yours truly, Henry Williams; and written on the back—

Dear Sir—Should any one from Herne Bay write to you for my address, kindly return that you have no instructions to disclose my business, H. Williams.

ELSIE LORD, examined by Mr. BODKIN—I live at 25 Grove Hill Road, Tunbridge Wells, and assist my father, who is a newsagent and tobacconist there. We sometimes take in letters at 1d. apiece for people, but not very often. I cannot be quite certain that I recognise the prisoner, but to the best of my belief he is a man that I have seen calling at our shop for letters in the name of "Henry Williams," in the latter part of 1912, I think. He never lived with us.

ERNEST HUDSON BELLAMY, examined by Mr. BODKIN—I am the manager of the Bath branch of the London City and Midland Bank. I recognise the prisoner. He opened an account at my bank in the name of Henry Williams. His address was 8 Lower Wells Road, a place that I frequently pass, where a sort of small business in milk and groceries is carried on. They call themselves confectioners. The prisoner did not live there to my knowledge. I sent down a transfer to him there and my clerk came back with it unexecuted. The prisoner's account was opened on 23rd November, 1912. The first transaction was on 23rd November, when £200 was drawn out as against £200 New South Wales 3½ per cent. stock, which the bank had with other stocks.

By Mr. JUSTICE SCRUTTON—I cannot say the exact date when Williams made the deposit with us, but it was probably on or before 23rd November. The advance was made against an order to sell those stocks, we having the stock certificates. We would pay ourselves out of the proceeds. On 9th November we sold £300 New Zealand 4 per cent. and £300 Queensland 3½ per cent., and credited the proceeds to his account.

*Examination continued*—By 3rd December, having sold also £300 Natal 3½ per cents., £1063 13s. 6d. was credited to the account as the proceeds of four different kinds of stocks.

Mr. BODKIN—If your lordship will look at exhibit 56 you will find that is the list of securities which went to Mr. Wilkinson—£300 Natal, £300 Queensland, £300 New Zealand, and £200 New South Wales.

*Examination continued*—Up till the end of the year there were five cheques, amounting to £100, drawn on that account to Smith or Williams. In each case they were cashed in gold.

# George Joseph Smith.

Ernest H. Bellamy

By Mr. JUSTICE SCRUTTON—Are there not seven cheques for £1060, all in gold?—Yes.

*Examination continued*—Was there any reason given by Williams for drawing these in gold?—Yes, he explained that he was an antique dealer, that he was going round the country purchasing goods, and that he had to pay for those goods in gold. On 7th January, 1913, there was credited a sum of £276, being the proceeds of £300 Rajawella Mortgage Debentures, and on this same day there was £111 transferred from our branch at Tunbridge Wells. Also on 11th January there was credited the sum of £149, the proceeds of some Canadian Pacific Railway shares, and also on 3rd February £10 6s. 6d., being rights appertaining to the Canadian Pacific shares. The last credit is £295 9s., being proceeds of £300 Cape Town stock on 20th March. The account was practically closed on 25th March by the withdrawal of £165 12s. 6d., but as a matter of fact we did not close the account till 23rd June, when the interest and commission were charged. The signature "Henry Williams" on the deed (exhibit 95) was witnessed by me. The schedule specifies most of the securities which were realised through my bank.

Mr. BODKIN—So that the jury may follow, might I say, that that is the deed of release to Herbert Mundy and the other trustees from all obligations under the deed of trust for Bessie Mundy, executed by the prisoner, on 27th November, 1914.

WILLIAM SEYMOUR M'INTYRE, examined by Mr. BODKIN—I am cashier in charge of the Cheltenham Road branch of the Capital and Counties Bank at Bristol. There was an account at that bank opened on 4th October, 1912, in the name of George Joseph Smith. Exhibit 243 is a certified extract from the books of that bank, and in it I find that from time to time there were cheques, for instance, 27th November, 1912, Pomeroy, £130; 15th February, 1913, Pomeroy, £189 8s. 6d. There are debit entries—3rd December, 1912, Wansbrough, £10; 25th February, 1913, King, £171 8s. 4d.; 2nd November, 1912, Salisbury, £270; 8th February, 1913, Hobbs, £60. I do not recognise the prisoner. The last address of George Joseph Smith recorded in the books was 5 Weston Road, Bristol. The previous addresses were 167 North Road, Bishop's Stone, Bristol; 49 Cranbrook Road, Bristol; and 5 Detland Road, Bristol.

FREDERICK JONATHAN WHITE, examined by Mr. BODKIN—I am a partner of the firm of Salisbury, Griffiths & White, 24 Broad Street, Bristol. In October, 1912, I acted for a client in selling 30 Eltham Road, Bristol, the purchaser being George Joseph Smith, of 167 North Road, Bristol, and the purchase price £420. The date of completion of the sale was 31st October, 1912. In paying for the house the amount was made up of a cheque for £270 on the Capital

## Evidence for Prosecution.

Frederick J. White

and Counties Bank, a cheque for £80 on the Wilts and Dorset Bank, and £48 7s. 5d. in coin, which made up £397 8s. 5d., as the balance of the purchase price, £20, having been already paid as a deposit.

JOHN HENRY KING, examined by Mr. BODKIN—I am a solicitor practising at 16 Baldwin Street, Bristol. In December, 1912, I acted for a Mrs. Granger in selling 34 Beach Road, Bristol, the purchaser being George Joseph Smith, of 49 Cranbrook Road, Bristol, and his solicitor being Mr. Laxton. The purchase price was £180. A deposit of £10 was paid to Mrs. Granger personally, and the balance of £171 8s. 4d. was paid to me by cheque on 24th February, 1913, drawn by George Joseph Smith.

FREDERICK GEORGE LAZENBY, examined by Mr. BODKIN—I am a solicitor practising in Bristol. In December, 1912, I was acting for a Mr. Scudamore in the sale of a house, 80 Ashley Down Road, Bristol, the purchaser being George Joseph Smith, and the purchase price £215. The sale was completed on 5th December, 1912, and after some adjustments the amount payable was £213 15s. 2d. I attended the completion. To the best of my belief the prisoner is the man who attended the completion also as purchaser. The amount was paid in a £100 note, £93 15s. 2d. in gold, silver and copper, and two cheques for £10 each respectively on the Capital and Counties Bank and the Wilts and Dorset Bank.

SIDNEY HOWARD POMEROY, examined by Mr. BODKIN—I am a solicitor practising at 44 Baldwin Street, Bristol. In November, 1912, I was acting for a Mrs. Clara Dunn in the sale of a house, 49 Cranbrook Road, Bristol. I recognise the prisoner as the purchaser of the house. His address as given in the conveyance was 167 North Road, Bishop's Stone, Bristol. The completion of the sale was on 26th November, 1912. First a deposit of £10 was paid, and on the date of completion the balance of the purchase money was paid by two cheques for £130 each and cash £126 10s. 4d. In February, 1913, I was acting for Mr. Percival George Davies in the sale of a house at 81 Brynland Avenue, Bristol. I was also acting for Mr. Smith. The price payable was £210, and the date of completion was 14th February, 1913. A deposit of £20 had been paid, and the balance of £189 8s. 6d. was paid by cheque. In July, 1913, I acted in regard to the sale of the house, 34 Beach Road, Bristol, by the prisoner to Mr. Percival George Davies. The purchase price was £90, and the completion of sale was on 1st August, 1913.

CHARLES BARBER, examined by Mr. BODKIN—I am a gentleman of independent means living at Kilburnie, Cotham Park, Bristol. In February, 1913, Mr. Hobbs, my solicitor, acted for me in the sale of a house, 31 Wolseley Road, to George Joseph Smith, the purchase price

# George Joseph Smith.

Charles Barber

being £187 10s. I attended the completion when the money was paid—£100 in notes, £18 12s. 3d. in coin, and a cheque for £60 on the Capital and Counties Bank.

FREDERICK WYATT DENNING, examined by Mr. BODKIN—I am manager of the Wilts and Dorset Bank, Zetland Road, Bristol, now a branch of Lloyds' Bank. An account was opened at that bank on 17th October, 1912, in the name of George Joseph Smith. Exhibit 244 is an extract from the current books of my bank. In September, 1913, certain house property was offered to me for purchase by George Joseph Smith. The six houses which I ultimately purchased were 10 Zetland Road, 49 Cranbrook Road, 30 Elton Road, 81 Brynland Avenue, 31 Wolseley Road, and 86 Ashley Down Road, and the price I agreed to pay was £1365. The date of the completion of the sale was 26th September, 1913, and I paid over £1300 in bank notes, my own cheque for £25, and the balance in coin. I got the conveyances of the houses all right.

[The witness stated the numbers of the notes of various denominations.]

DAVID MOSES PHILLIPS, examined by Mr. BODKIN—I am a partner of Humphrey Phillips & Co., solicitors, 38 Cranbourn Street, Leicester Square. In December, 1912, I acted for Mr. Abraham Lazarus in the sale of the house, 10 Zetland Road, Bristol, to George Joseph Smith, the price being £575. The transaction was completed on 14th January, 1913, the purchase money being paid by a bank draft on the Capital and Counties Bank, Bristol.

ALBERT WISEMAN BAILEY, examined by Mr. BODKIN—I am ledger clerk at the Capital and Counties Bank, Weston-super-Mare. I produce exhibit 249, a certified extract from the current books of that bank. I find that an account was opened on 2nd August, 1913, in the name of George Joseph Smith, with a balance of account from the Cheltenham Road branch at Bristol.

ARTHUR BERTRAM PENDER, examined by Mr. BODKIN—I am a clerk at the London City and Midland Bank at Portsmouth. I produce exhibit 250, a correct extract from the current books of the London City and Midland Bank at Portsmouth, which shows that there was an account opened in the name of George Joseph Smith on 3rd October, 1913, with a payment in of £20, and on 4th October another payment in of £40 10s. These sums were drawn out on the 8th and 9th October in the same amounts.

The Court adjourned.

## Fourth Day—Friday, 25th June, 1915.

**WILLIAM JAMES KNOWLES**, examined by **Mr. TRAVERS HUMPHREYS**—I am manager of the Lamport branch of Lloyds' Bank. On 2nd October, 1913, an account was opened at that branch in the name of George Joseph Smith, Kimberley Road, Southsea. Exhibit 245 is a certified extract from one of the current books of my bank, and it shows that the account was opened by a payment in of £5. On 8th October £60 was paid in, and also £1260 10s. in notes. [The witness stated the numbers of the notes, and they appeared to be mostly the notes received by Smith from Denning.] The account also shows a payment in on 1st December of £104 1s. 1d. The account was closed on 23rd January, 1914.

**CHARLES FREDERICK PLEASANCE**, examined by **Mr. BODKIN**—I am an insurance inspector in the employment of the North British and Mercantile Insurance Company, and live at 20 Festing Grove, Southsea. I recognise the prisoner. I made his acquaintance through his bank manager, Mr. Knowles, in Southsea, in the early part of October, 1913. When I first saw him he told me that he contemplated effecting an annuity, and I gave him our table of annuity rates. Exhibit 8 is a proposal form for the purchase of an annuity in my company. The particulars in the body of the proposal are in my handwriting—

Name, designation, residence of the proposer—George Joseph Smith, 80 Kimberley Road, E. Southsea, gentleman; Person on whose life the annuity is to be issued—George Joseph Smith; Place and date of birth of the person—11th January, 1872, Bethnal Green; Amount of annuity to be purchased—£1300, to be paid half-yearly.

A day or two later he gave me exhibit 9, which is an authority by him to the North British and Mercantile to pay the annuity to Lloyds' Bank, Lamport, Hampshire. Exhibit 10 is the prisoner's birth certificate, which we obtained at his request direct from Somerset House. It shows that he was born on 11th January, 1872, at 92 Roman Road, his parents being George Thomas Smith, insurance agent, and Louisa Smith. Exhibit 201 is the annuity bond, which shows that the amount of the annuity purchased for £1300 is £76 1s. per annum, payable in April and October. At that time, when I was seeing the prisoner with reference to the annuity, he told me that he had been engaged in land transactions in Canada, and that as he realised his holdings there he proposed effecting further annuities. He said he would be effecting an additional one of about £500 in the

# George Joseph Smith.

Charles F. Pleasance

following January, about the time of his birthday. I remember seeing a young woman with him on 3rd November, 1913. (Shown photograph of Miss Burnham, exhibit 192.) That is the young woman I saw with him. He introduced her to me as Miss Alice Burnham, a friend of his. He told me that she was the daughter of well-to-do people in Hertfordshire, and that she was in receipt of a separate income of her own.

What was she introduced to you for? Was anything said about that?—As being interested in the question of life assurance. That matter was discussed between me and her in the presence of the prisoner, and as a result a proposal for £1000 (exhibit 198) was filled in and signed. The lady described herself as "Alice Burnham, nurse, 80 Kimberley Road, East Southsea," and the proposal bears "Sum assured, £1000; conditions, payable at death with profits; premium yearly; age next birthday, 28th March, 1914, 26; born at Aston Clinton, Tring." After I got that proposal form the prisoner informed me that he was about to be married to Miss Burnham. The state of marriage affects the question of the amount of premium payable, as there is greater risk. I received from the prisoner exhibit 3, which is a certificate of marriage between him and Alice Burnham, and shows that the marriage took place at the registry office at Portsmouth on 4th November, 1913, the day after the proposal had been given to me. The certificate bears—

George Joseph Smith, Bachelor, 40 years of age, independent means, 80 Kimberley Road, East, Southsea; Father's name, George Thomas Smith, Artist in flowers and figures.

When I learned about the marriage, I said to the prisoner that an extra premium would be chargeable, but as he demurred at paying any extra premium, I communicated with my head office, and the result was a twenty-year endowment assurance for £500 was effected in place of a whole-life assurance, the premium being about the same. The amount of the premium payable for the £500 policy was £54 17s. 1d., and that was paid to me by Miss Burnham, or Mrs. Smith, as I knew her then, in the presence of the prisoner. When I received the policy completed from the head office, I handed it to the prisoner, on 17th December, I think. I was asked by my head office to ask Mrs. Smith her intention with regard to the policy, and I did so. She informed me that, in the event of her survival, it was for her own benefit, and in the event of her previous death it was for the benefit of her mother. The prisoner told me on 21st October that the two of them were going away for a holiday to Mrs. Smith's mother. Towards the end of November he told me he was going away again, I understood to her mother's. I did not know that he had been to Blackpool, or that he was thinking of going to Blackpool. He told me that he intended, as he was a married man, to make a will leaving his possessions to his wife, but that he did



## Evidence for Prosecution.

Charles F. Pleasance

not like solicitors, and so I told him that he could obtain a will form from any stationers. He asked me if I would obtain one for him, but I forgot all about it. When I saw him again, shortly afterwards, he asked me if I had obtained the will form for him, and I told him I had forgotten about it, but as he seemed to be in a hurry to do it, I sketched out a rough form of words which he could make use of himself. The will was executed in proper form there and then by him, and he took it away. The purport of it was to the effect that he left everything to his wife. On another occasion, while the insurance was being considered, I remember speaking about how the wife's policy could be dealt with, that she could give effect to her wishes with regard to the policy either by assignment or by will, but he said that he would not think of allowing his wife to make a will.

I received exhibit 11, which is a letter headed 16 Regent Road, Blackpool, and dated 14th December, 1913—

Dear Sir—Just a note to say that my poor wife died last Friday evening. Previously she had been treated by a local doctor for pains in the head. She died in her bath last night. A post-mortem examination and an inquest was held, the result was that she had a seizure and was unconscious, enlarged heart and fatty, and finally drowned. It was also mentioned about her operation last March, and her parents says she had had rheumatic fever some years back. I am coming back to my old apartments to-morrow, Monday, 80 Kimberley Road. I will call on you then and give you all the information you require. I feel too upset to say more now. My wife's mother and brother have been good enough to travel all night in order to stay at the above address with me and follow the funeral, which takes place to-morrow, Monday, at 11 a.m. Yours truly, G. Smith.

After receiving that letter, the prisoner came to see me at Portsmouth, about 17th December. It was at that interview I gave him the completed policy on his wife's life. He showed me the death certificate (exhibit 203)—

Alice Smith died 12th December, 1913, 16 Regent Road, Blackpool, aged 25, wife of George Smith, of independent means of 80 Kimberley Road, Portsmouth, U.D. Cause of death, accidental. Deceased suffered from heart disease, and was found drowned in a hot bath, probably through being seized with a fit or a faint, P.M. [That is, I suppose, post-mortem.] Signature, &c., of informant, Certificate received from John Parker, Coroner for Lancashire. Inquest held 13th of December, 1913. Registered 16th December, 1913.

In addition to showing me that death certificate, he showed me exhibit 194, an original will of Alice Smith. I expressed surprise at its production, and he said that I was no more surprised than he was, that he had found it after her death.

What were you alluding to when you said you were surprised?

# George Joseph Smith.

Charles F. Pleasance

—To the prisoner's statement a few days previously that he would not allow his wife to make the will. Looking at the will, I see it is dated 8th December, 1913, and it is as follows:—

This is the last will and testament of me, Alice Smith, wife of George Joseph Smith, 80 Kimberley Road, Portsmouth, in the County of Hants. I give all my real and personal estate whatsoever and wheresoever unto my husband the said George Joseph Smith, and I appoint my husband the sole executor of this my Will. In witness I have hereunto set my hand, 8th December, 1913.

It is signed "Alice Smith," in the presence of Mr. Mark, solicitor, and Mr. Welling, his clerk. I forwarded the papers to my head office, and obtained the necessary claim forms, but I was unable to use them, because the prisoner had left Portsmouth before they arrived. I did not know he was going away from Portsmouth.

Shortly after I first met the prisoner he spoke about being an agent for the North British and Mercantile Insurance Company, but he did not introduce any business. He said after his holiday he was going to settle in Portsmouth, and, as he had nothing to do and had plenty of friends, he would most likely be able to introduce business to our company. I never promised any share of commission in regard to the policy on Miss Burnham's life, nor was there any discussion between me and him on that subject.

Cross-examined by Mr. MARSHALL HALL—I first met Smith on 8th October. He was introduced to me by Mr. Knowles for the purpose of effecting an annuity with my company, he already having made inquiries of another company. I had some conversation with Smith about the annuity when I met him at the bank, and I had general conversation with him outside at other places. I had no other conversations after that date with regard to the annuity; it was all fixed up and paid for the same day that I first met him.

At that time, did you not get friendly with Smith?—No, I was amiable, as I try to be to everybody.

Amiable, but not friendly?—Yes.

Did you show him your furniture and your sideboard and some pictures that you had, and things of that kind?—He was shown into my dining room, and he passed remarks about different things. The price of an annuity varies according to the age last birthday. There would be no advantage in Smith buying any further annuity till he had passed his next birthday, in January. The first I saw of Miss Burnham was when the prisoner came and introduced me to her. She was not in nurse's costume.

You know she had been for years a nurse?—I only knew from seeing it on the proposal.

She was a strong, well-developed woman, was she not?—Yes. I should say she was about 5 feet 3 in height. She was with Smith

## Evidence for Prosecution.

Charles F. Pleasance

when the question of insuring her life was first started. During the negotiations she had very little to say.

She actually paid the premium herself?—Yes.

And the first proposal form was in her handwriting?—Yes.

And the actual acceptance and notification of acceptance were in fact sent to her?—Yes.

I think there is a letter from your head office, who wanted to know what was the object of making that insurance?—Yes.

Now, I want you to be fair with me. Did not you yourself suggest to Smith that this young lady should insure her life?—No.

You are quite clear about that?—Yes.

Who suggested the amount of £1000?—I do not know whether it was Miss Burnham or the prisoner. The premium payable on Miss Burnham's life, unmarried, for £1000 was approximately £24. The increased premium on her marriage would be for the first year an additional 1 per cent. on the sum assured, to cover the risk of childbirth. After the first year it would be the ordinary rate of premium, £24. For the £500 endowment policy the insurance premium was almost the same.

Was there any conversation between you and Smith as to Smith effecting a life policy on his own life?—Yes. He promised to effect it some time about his next birthday.

Was that the property that he was to leave by his will?—I have no idea what his property was.

In fact, was it not a condition of the acceptance of Mrs. Smith's proposed policy that Smith should effect a policy upon his own life as well?—It was not a condition.

But there was an understanding between you?—There was an understanding.

And you understood also that the policy was not to be effected until the month of January, in the following year, 1914?—Yes.

On 21st October Smith told you he was going to Miss Burnham's mother. I do not think there is any dispute about that?—It was on that date he said he was going for a holiday to Bedford. It was on the subsequent date that he said he was going to her mother.

The last time you saw Smith, until you saw him after you had received the letter (exhibit 111) was towards the end of November? That is so.

I do not want to have any misunderstanding about this, because I attach some importance to this date. You never saw Smith until after the death of Miss Burnham after you saw him about the end of November?—The end of November or the first day or two of December.

Are you prepared to swear that you never saw Smith after you had notice from the head office that the policy would be accepted?—I never saw him after I received the formal letter of acceptance, but I had been advised previously that it would be accepted under certain conditions.

# George Joseph Smith.

Charles F. Pleasance

Re-examined by Mr. BODKIN—I received exhibit 12, which is a letter from Kimberley Road, dated 14th January, 1914—

Dear Sir—I herewith return all papers connected with the North British and Mercantile Assurance Company. I also request you kindly not to communicate with me again. Thus if I do not see you or receive letters from you, I shall not be reminded of my poor wife, because when I see you or think about the insurance it only reminds me of her. Besides, you were the only man who I introduced my wife to; therefore when I think of or through you it reminds me of her. This breaking off will not make any difference to you, but will certainly make a difference to Yours, &c., G. J. Smith.

Dr. HAROLD BURROWS, examined by Mr. BODKIN—I am a Bachelor of Medicine and Fellow of the Royal College of Surgeons practising at Southsea. I hold the position of medical examiner for the North British and Mercantile Insurance Company. I remember seeing Miss Burnham about 4th November, 1913. Exhibit 199 is a form signed by me on 4th November, and it bears—"What is the present and general state of your health?—Quite good. State from what severe illnesses you have suffered, their date, duration, and name of medical attendant.—Rheumatic fever, 1899," &c. "No. 6. Have you ever suffered from fits, paralysis, eye or ear disease, asthma, blood spitting, palpitation, fainting, piles, fistula, or stricture?—No. Supposed to have some kind of fit when nine years old. Have you ever had rheumatism, rheumatic fever, or gout? How often? Was the heart affected?—Rheumatic fever in 1913." Then there is a correction to 1899, because there is clearly an inconsistency—"Heart not affected. Have you ever met with any serious personal injury, which has left permanent bad effects? If so, state its nature, and how long since it occurred.—No. Have you rupture? If so, is it reducible? Is a truss or bandage worn?—No. Are you subject to any other complaints or affections, although you may consider them trivial? If so, state their nature.—No. Have you resided out of Europe? and has your health suffered from such residence? Have you ever been ordered abroad on account of your health?—No. Has any relative, living or dead, been affected with (a) consumption or other disease of the lungs?—No. (b) Rheumatism or gout?—No. (c) Insanity?—No. (d) Cancer?—Mother's sister died of cancer of breast. What kind and quantity of stimulant do you usually take daily?—None." I examined her and found her general appearance healthy. Her height is given as 5 feet  $\frac{1}{2}$  an inch, and her weight is 8 stone 9 lbs. I could not swear to the height and weight, as I may have accepted her statement. The conclusion of my examination was—"I consider the applicant in all respects a good life."

Cross-examined by Mr. MARSHALL HALL—Would you just refer to your answer No. 6. In examining the heart would it be possible for you to detect any sign of incipient fatty degeneration?—No. I would not go so far as that.



**Alice Burnham.**

# Evidence for Prosecution.

Dr. Harold Burrows

Not during life—that would be discovered on post-mortem?—Yes, it would be discovered by post-mortem.

CHARLES BURNHAM, examined by Mr. TRAVERS HUMPHREYS—I am a fruit grower and live at Aston Clinton, near Tring, in Buckinghamshire. Alice Burnham was my daughter. At the time of her death she was twenty-five years old. She had had some training as a nurse, and in 1913 she was employed nursing a gentleman at Southsea. She had been there for about three years. She used to come and visit us at home during her holidays once a year, and sometimes twice a year. At Christmas, 1910, I made my son, Norman Charles, a present of my coal business, and at the same time I made a present of £40 to each of my other children. Alice was not at home at the time, and she told me to keep the £40 for her. When she came home for her holiday after that she gave me some money to add to the £40, making it up to £100, and I gave her the document (exhibit 178), dated 22nd June, 1912—

I promise to pay my daughter, Alice Burnham, of Aston Clinton, in the County of Buckinghamshire, the sum of £100 with interest at the rate of 3 per cent. per annum for value received.

[Mr. Marshall Hall objected that the principle of *A. G. v. Makin* did not extend to the admission of evidence, not directly connected with the fact of the death of Miss Burnham, but the Court ruled that any evidence proving a system to obtain money by murder was admissible.] In October, 1913, I first heard of a Mr. Smith as a friend of my daughter. I sent an invitation to Mr. Smith to visit me and my wife, and my wife received in reply exhibit 179, which is dated 22nd October, 1913—

Dear Mrs. Burnham—I was pleased with the purport of your letters to Alice. I am now looking forward to coming to Aston Clinton to see you all. You mentioned in your last letter whether we quite understood each other; my answer to that question is yes, and what is more, we love each other. I have never given it a thought as to whether I should be comfortable during my stay at your home, but I could make myself happy anywhere so long as Alice was with me. I have also travelled a great deal and can adapt myself to circumstances. We intend leaving Willesden Junction at 3.13, arriving at Tring at 4.6 p.m. Saturday. It will not be necessary to bring much luggage, therefore we shall only bring a small bag. Trusting this will find you and Mr. Burnham quite well. Believe me, Yours, faithfully, G. J. Smith.

On the Saturday my daughter and Mr. Smith came; I met them at the station. I recognise the prisoner as Mr. Smith. They remained until Friday, 31st October. I understood that they proposed to get married at Christmas. I received exhibit 180, being a letter to me from Smith, dated 11th November, 1913—

# George Joseph Smith.

Charles Burnham

Sir—The views and actions which you have been pleased to take towards our marriage are both inconsistent and contemptible. You absolutely appear to be quite out of touch with the methods and principles by which everyday life is handled. Moreover, having failed in your final attempt to wreck all possibilities of marriage, you take shelter in obduracy, contempt and remorse. . . . what earthly right have you to scorn your daughter in these ways? Is the record of your family so full of virtue that you despise and grudge your daughter's bright prospects. I am not going to waste my time in trying to enlighten you on things you are quite old enough to know and understand, but at least I remind you that by causing friction broadcast as you have is the greatest mistake in your life-time. It is mentioned in the letter Alice received on the 11th instant that as I have an income—the £100 and interest should stand over. A more foolish and illegal action I have never heard. The money is payable on demand, failing which I will take the matter up myself without further delay.

I did not know that my daughter and Mr. Smith were going to be married on 4th November. I did not answer the letter of 11th November. I received exhibit 181, dated 18th November—

Sir—On behalf of my wife who wrote you a fortnight ago requesting you to forward on to her the £100 with interest which you were minding for her, I request you to forward same to her at the above address on or before the 22nd inst., failing which I shall be compelled to take the usual course in order to secure the sum referred to—regardless of costs. Yours, &c., G. Smith.

The "above address" is 80 Kimberley Road, East, Southsea. At the same time I got a letter from my daughter. Having got those two letters from my daughter and my son-in-law, I consulted Mr. Redhead, of Messrs. Horwood & James, solicitors. I did not know anything at that time about my son-in-law's parentage, or anything about his family, but I tried to find out, and I received the postcard (exhibit 183) from him, dated 24th November—

Sir—In answer to your application regarding my parentage, &c. My mother was a Buss horse, my father a Cab-driver, my sister a roughrider over the arctic regions—my brothers were all gallant sailors on a steam-roller. This is the only information I can give to those who are not entitled to ask such questions—contained in the letter I received on the 24th inst. Your despised Son-in-law, G. Smith.

I also got the postcard (exhibit 184), dated 27th November—

Sir—I do not know your next move, but take my advice and be careful. Yours, &c., G. Smith.

I received exhibit 185, being letter dated 1st December—

Sir—I have all the copies of the letters, &c., my wife and self has sent to you and yours, also all letters, &c., we have received relating to

## Evidence for Prosecution.

Charles Burnham

same and family affairs which I intend to keep for the purpose of justice, G. J. Smith.

On the advice of my solicitor I drew a cheque for the money which I owed to my daughter. I gave him a cheque and asked him to write out a cheque in their name, the amount being £104 ls., that being the £100 I had received with the 3 per cent. interest that I had undertaken to pay to my daughter.

Mr. JUSTICE SCRUTTON—That is the cheque for £104 ls. 1d. paid into the Lamport Bank.

*Examination continued*—I then got back through my solicitor the promissory note which I had given to my daughter. On the back of that promissory note there is in my daughter's handwriting—

Received all money due on this security, 1st December, 1913. Alice Smith.

Exhibit 186 is a postcard addressed to my wife, the postmark being "1st December, 1913—Blackpool, 9.45 p.m.," and it is addressed from 16 Regent Road—

Dear M.—Alice is very ill. I will wire you to-morrow. Yours, George.

On the same day I received the following telegram:—

Alice died last night in her bath. Letter following, Smith, 16 Regent Road, Blackpool.

Having got that telegram, my wife and son at once started for Blackpool, and they arrived there on the Sunday. On the Sunday morning the letter referred to in the telegram arrived, and I opened it (exhibit 188)—

My Dear Mother-in-law—After arriving here Alice complained of pains in the head and went to a doctor who examined her and gave her treatment. Yesterday she again complained to me and the landlady of pains in the head, when she sent you and her sister a postcard. After which I took her for a walk and she appeared better. Later on I find she had made arrangements with the landlady for a bath. About 20 minutes after she entered the bath I called out to her and got no answer, and after acquainting the people in the house that something is wrong in getting no answer, I entered the bath-room and found poor Alice with her head and shoulders under the water. The doctor who had previously attended her was sent for by my request to come at once, which he did. I held her head out of the water and let the water run off away from her. When the doctor came we lifted her out of the bath—he examined her and said she is dead. I then went to the Police Station and asked them to send an official to come to the house and take particulars, which they did. This is the greatest and most cruel shock that ever a man could have suffered. Words cannot describe my feelings. We were so happy together, which she has told all her friends



## George Joseph Smith.

**Charles Burnham**

in her letters to them. The people here have been very kind right through the whole time. The inquest will be held early next week. I will then write you, sending all further particulars. Can you tell me her age when she had rheumatic fever, and her age when she was in the Great Ormond Street Hospital.

That letter is in my son-in-law's handwriting, but it is not signed. It came in a registered envelope. I knew that my daughter had some money in the Post Office Savings Bank, but I do not know how much. I did not know that her life was insured. Exhibit 190 is signed by my daughter, "Alice Burnham," and is a notice of withdrawal of £27 10s. 2d. from the Post Office Savings Bank, and asking that that amount be paid at the Southsea Portsmouth post office. Being shown post office deposit book, I find on 20th October a withdrawal of £27 19s. 5d. I also find on 27th June, 1912, a withdrawal of £60, the date of the promissory note. I did not know that my daughter had made a will. [Shown exhibit 194.] The signature to that will is my daughter's signature. My daughter used to wear rings, but I could not say how many she had. Exhibit 197 is a postcard in my daughter's handwriting.

Cross-examined by Mr. MARSHALL HALL—I may as well read that postcard now—

16 Regent Road, Blackpool, December 12th, 1913. My dear Mother—We arrived here last Wednesday, have very nice comfortable apartments and find Blackpool a lovely place. I am sorry to say that I have again suffered with bad headaches, and which necessitated my seeing a doctor—my taking medicine. My husband does all he possibly can for me—in fact, Dear, I have the best husband in the world. With fond love from us both, Yours lovingly, Alice.

That is the contents of the postcard?—Yes.

In the telegram announcing the death the full address at Blackpool was in the body of the telegram?—Yes.

**WILLIAM HENDERSON**, examined by Mr. HUMPHREYS—I am registrar of marriages for the district of Portsmouth. I produce the original register of marriages for the month of November, 1913. No. 187 in that book is an entry of a marriage by licence of two persons named George Joseph Smith and Alice Burnham. George Joseph Smith is described as a bachelor. Exhibit 3 is a certified extract from the register issued by me to the bride, Mrs. Smith, at the time of the marriage.

**Mrs. ELIZABETH BURNHAM**, examined by Mr. BODKIN—I am the wife of Charles Burnham, of Aston Clinton. My daughter Alice was twenty-five years of age when she died. She lived with me up to about four or five years before her death. I have other two daughters,

## Evidence for Prosecution.

Elizabeth Burnham

and the three girls lived at home for a long time together. When Alice was nine or ten years old she had a slight attack of something—a kind of epilepsy, I think—and the doctor thought it better for her to go to the Great Ormond Street Hospital for a change. After being in that hospital for about three weeks she came back to us quite better. She never had another attack of that kind. Not very long after that she was ill with rheumatic fever for about seven or eight weeks, but she got over that illness without any difficulty. In her disposition she was a very bright girl; she went out in the fresh air and took exercise, and seemed to enjoy her life. After she left our roof she came back to me from time to time, and on each occasion she was very well in health. She seemed to be a very healthy woman. I recollect hearing something about her in October, 1913, and afterwards she and the accused paid a visit.

Did he say anything to you about himself when he was there?—Only that he was a gentleman of independent means. He said that he and my daughter were going to be married at Christmas, and that the marriage would take place in Aston Clinton. The marriage was talked over amongst us, and I was quite agreeable that it should take place in our village, where we are known.

Had you any knowledge at all that she was going to be, or was, married on 4th November until after she was married?—We did not know what date she was going to be married, but when they left us they said they were to be married elsewhere.

There was some change then from the plan of being married at Christmas?—Yes, my husband did not like the man, did not like his behaviour. I did not know that 4th November was the day on which they were going to be married. I had a letter or two and a postcard from my daughter after 4th November. I remember exhibit 186 coming on Saturday, 13th December, and also a telegram. My son Norman and I started at once to go to Blackpool, and we arrived there on the Sunday morning about ten o'clock. We had not sent any word to say that we were coming. I was dressed in black. When I saw the accused at 16 Regent Road he said, "You might as well have dropped me a card," and I said there was no time for that. I went in and asked to see my daughter. The accused said that her body was at the mortuary, and he thought I could go and see her. I went round to the mortuary along with him, and I saw my daughter there. The accused told us that the inquest had been held on the Saturday evening, and that the funeral was to be on the Monday morning. My son Norman, the accused, and I attended the funeral. Young Mrs. Crossley and Mr. Crossley were also there. After the funeral Smith said that he was going back to Southsea by the twelve o'clock train. I asked him what he was going to do with my daughter's belongings, and he said that he did not know at present, that he had not made up his mind as to what he was going to do with them. He asked me about two of my other daugh-

## George Joseph Smith.

Elizabeth Burnham

ters, and he took their names down as though he were going to send them some of her belongings. He left us on the way from the cemetery, and I never saw him again till I saw him at Bow Street, nor did I ever hear from him. I had no knowledge up to the time of my daughter's death that she was insured or that she had made a will, nor had I any knowledge of her having any property. I knew she had some money in the Post Office Savings Bank, but I did not know how much she had. When I got home I found the letter (exhibit 188). Exhibit 197 had arrived before I started on the Saturday. It is a postcard, signed "Alice"—

My dear mother—We arrived here on Wednesday. I have again suffered from bad headaches. My husband does all he possibly can.

That is the last communication I ever had from my daughter.

Cross-examined by Mr. MARSHALL HALL—When Smith and your daughter came down before the marriage, as you have told us just now, there was some little unpleasantness when they parted—your husband did not like Mr. Smith?—That is so.

Your daughter told you, did she not, that the marriage was going to take place sooner than Christmas?—Yes. My daughter was a nurse, and had been nursing for some three or four years.

You did not know very much about her life at Southend, did you?—At Portsmouth.

You did not know very much about her after she left home?—Yes, from time to time she came home on her holiday.

But did you know any details of her life at Portsmouth, except that she was nursing this gentleman?—No.

In the postcard she says, "I have again suffered from bad headaches, which necessitated seeing a doctor." Did you know that she did suffer from headaches?—I never knew that she did.

"And am taking medicine." Did you know that she suffered from headaches at certain times rather badly?—I believe she did suffer.

Did Smith send a large hamper full of clothing belonging to his wife down to you?—No, nothing at all was sent—at any rate, nothing was received.

NORMAN CHARLES BURNHAM, examined by Mr. WHITELEY—I am a coal merchant, and live at The Laurels, Aston Clinton. Alice Burnham was my sister. On 9th February of this year I went to Blackpool, and on the 10th I went to the cemetery, where I saw a coffin which had been exhumed. It was opened, and I identified the body in it as the body of my sister Alice.

Mrs. ANNIE MAY PINCHIN, examined by Mr. BODKIN—I am the wife of Victor Drewitt Pinchin, of Burnham House, Toddington, Bedfordshire. Alice Burnham was my sister. I lived with her at

## Evidence for Prosecution.

Annie May Pinchin

home until I left, some twelve or thirteen years ago. Up to that time her health was fairly good, as far as I can remember. After that I saw her from time to time during the holidays. She was very well then indeed. She had a very bright disposition. When I was married, in 1912, my sister gave me £10 as a loan. When I saw her the following summer I mentioned it to her, and she said I need not trouble about it. I recollect seeing the accused in October, 1913. He came to my house in Toddington with my sister and my father. I remember receiving after that a letter from a solicitor in Southsea called Mr. Robinson.

In consequence of getting that letter, was a money order for £10 sent to Southsea?—No, the money was sent the day before we received the letter. The £10 was sent to 80 Kimberley Road, Southsea. [Shown exhibit 234.] I got that receipt for the delivery of a registered letter from the post office, addressed to Mrs. George Smith, 80 Kimberley Road, East Southsea, posted at Toddington, November, 1913." The receipt also bears that the letter was duly delivered, and it is signed G. J. Smith." I also received exhibit 235, which is a formal acknowledgment from my sister—"I have this day received £10 from A. M. Pinchin for money lent—Alice Smith."

CLAUDE EDWARD ALLEN REDHEAD, examined by Mr. BODKIN—I am a partner in the firm of Horwood & James, solicitors, Aylesbury. On 22nd November, 1913, I was consulted by Mr. Charles Burnham with reference to a sum of £100 that he held. Certain letters were shown to me (exhibits 180 and 181), signed in the name of Smith, demanding the £100. I received some instructions from Mr. Burnham, and a little later on I got a letter from a Mr. Robinson, a solicitor in Portsmouth. In consequence of that letter I communicated with Mr. Burnham, and I afterwards sent Mr. Robinson exhibit 233, my firm's cheque for £104 1s. 1d. That cheque is endorsed "Alice Smith" and "G. J. Smith," and it is stamped "Lloyds' Bank, Lamport."

ROBERT JOSEPH ROBINSON, examined by Mr. BODKIN—I am a solicitor, practising at Portsmouth. I remember two persons named Smith calling upon me in November, 1913. I recognise the prisoner as Mr. Smith. They showed me exhibit 230, a letter from Messrs. Horwood & James, Aylesbury, addressed to Mr. Smith, and asking certain particulars regarding him. The following paragraph appears in that letter:—"It is, however, not unnatural that Mr. Burnham should be concerned that his daughter should have married a man about whom he knows so little, and he desires us to ask you to be good enough to forward to us particulars of the date and place of your birth and information as to the names, position, and place of abode of your parents." I communicated with Messrs. Horwood & James, and eventually, on 28th November, I received a cheque for

# George Joseph Smith.

Robert J. Robinson

£104 1s. 1d., which I handed over to Mr. and Mrs. Smith. I prepared the receipt for that money (exhibit 178), signed by Mr. and Mrs. Smith, and sent it on to Messrs. Horwood & James. I remember after some time writing, on Mrs. Smith's instructions, a letter to some one of the name of Pinchin. The accused was present when Mrs. Smith gave me instructions.

Mrs. ANNIE PAGE, examined by Mr. HUMPHREYS—I live at 80 Kimberley Road, Southsea. I was letting apartments at that address in September and October, 1913. I recognise the man in the dock as a lodger of mine. He stayed in a bed-sitting room for about four or five weeks. He came to me either in the end of September or the beginning of October. After he had been there a little while a lady, Miss Burnham, came to see him. [Shown two photographs (exhibits 192 and 193).] That is the lady. I remember the accused going away for a short time.

Did he tell you where he was going to?—I did not know at the time. I thought they went to her mother's. When they came back again Miss Burnham came and stayed in the house too.

Did you know they were married?—Yes. They stayed with me till they went to Blackpool. The accused did not tell me how long he expected to be away. After they went to Blackpool Mr. Smith sent me a postcard to say that the lady had died. They went to Blackpool on the Wednesday, and the accused came back alone on the Monday evening. I asked him if his wife was buried, and he said yes. When they went to Blackpool they left most of their luggage behind in my house. I believe the things were afterwards sold, but I do not know where they went to.

Dr. BERTRAM STONE, examined by Mr. BODKIN—I am a Bachelor of Medicine and Bachelor of Surgery, Oxford, practising at 61 Clarendon Road, Southsea. I am the medical attendant of a Mr. Holt, who has been in an invalid condition for some years. Through attending him I got to know his nurse, Alice Burnham. She had been his nurse for about three years. I used to see Mr. Holt nearly every day, and also the nurse.

What was her general appearance and general health while you were visiting Mr. Holt?—Very good. In March, 1913, she consulted me as a medical man. It became necessary at that time for an operation to be performed upon her. There was some peritonitis, inflammation of the lower part of the stomach. Before the operation took place my partner and I anticipated that it would be a serious one, and I examined her to see whether she was fit physically to stand a severe operation. We came to the conclusion that she was quite fit to stand the operation. Before the operation an anæsthetic was administered, and then the operation was performed by my partner. She stood it very well, and she made a rapid and successful recovery.

## Evidence for Prosecution.

Dr. Bertram Stone

In the course of your attendance upon her at and after the operation, did you form the opinion that her health and constitution were good and strong?—Yes. She afterwards in due course resumed her duties with Mr. Holt. I remember getting a communication from the North British and Mercantile Insurance Company in the early days of November. I learned that she was about to insure her life, and I gave an opinion to the Insurance Company about her health. I saw her about that time, and I formed the opinion that her health was very good. After the operation, after her convalescence, and later, I, on several occasions, examined her heart. It appeared to me to be quite sound.

Cross-examined by Mr. MARSHALL HALL—This patient of yours, Miss Burnham, was specially well developed in the bust, was she not?—Yes, she was well developed.

That renders external examination of the heart's action a little more difficult than it does in the case of a person that is not so well developed?—That is so.

There might exist some heart trouble without your being able to detect it?—A slight degree of heart trouble.

For instance, there might be some slight tendency to fatty degeneration?—Yes.

And you might also get, might you not, an enlarged heart with a somewhat diseased valve without being able to detect it if the disease of the valve was not very much marked?—Yes, that is so.

One of the members of your profession who examined her after death in December of the same year found that her heart was enlarged, the valves diseased as if she had some rheumatic fever or inflammation round the valves of the heart. That would be consistent with the external examination which you made in November?—Yes, if present in a slight degree.

I want to ask about this operation. Did you know that she had suffered from headaches at the menstrual period?—Yes, I believe she did tell me.

In the course of your operation you removed one of the fallopian tubes?—Yes.

The fallopian tube is very fine, about the diameter of a hair?—Yes.

There are two fallopian tubes. Does the removal of that tube throw extra work at this period upon the other tube?—Yes.

Is the headache at that period frequently caused by any slight inflammatory condition of the fallopian tubes, thus impeding the progress of the ovum in its descent? Would that cause reflex action or pain?—It might. Any case of congestion would, of course, set up a reflex headache.

It was absolutely necessary to perform this operation?—Absolutely.

# George Joseph Smith.

Dr. Bertram Stone

If you had not performed the operation she would have had more congestion?—Yes, I gave her a plain anæsthetic—chloroform and ether—and she stood it quite well. She was under the chloroform for over an hour.

Do you not find very often that when a patient has had a long operation of that kind there is a predisposition afterwards to heart trouble?—I have never seen a case.

Anæsthesia produced by chloroform and ether for an hour would be a great strain on the heart, would it not?—It would be some strain on the heart, certainly.

By Mr. JUSTICE SCRUTTON—The doctor who made the post-mortem examination would have an ample opportunity of examining the actual condition at the time of the death?—Quite.

By Mr. MARSHALL HALL—I think you said before the magistrate, “I attended her as a patient up to November. I thought it desirable that during that period she should have medical supervision”?—Yes.

Re-examined by Mr. BODKIN—The operation involved a deep incision.

After an operation of that kind, is it advisable that a doctor should be in general superintendence?—Not for as long as I was attending her. There was another condition altogether present which I was attending her for during that time, something which was not brought about by the operation, but which was responsible for the operation. (The witness wrote down what was the cause of the operation.) The affection for which I was treating her was a local affection. It is quite common for women at those periods to suffer from headaches. In examining Miss Burnham's heart I paid careful attention to the sounds. There was nothing in the sounds of the heart to imply that there was any abnormal condition present at all.

When you made the post-mortem examination of her body, were you able to discover anything abnormal in the valves of the heart?—Not during life, no. Affection of the mitral valve is fairly common.

Miss Burnham when she was a girl had something which was described as a fit. Do you know any condition which is not uncommon after rheumatic fever, chorea?—Yes.

Might that be described as a fit by people who have scientific training?—Certainly, it might have been.

By Mr. MARSHALL HALL—The patient that Miss Burnham attended was rather an old man, and attendance upon him involved continuous lifting of him. He was very thin.

By Mr. BODKIN—After the operation and during the time of the building up of the tissues I advised her not to lift her patient, as it would be an undue strain, and bear acutely upon the seat of the operation.

## Evidence for Prosecution.

Frank P. Marsh

FRANK PERCIVAL MARSH, examined by Mr. WHITELEY—I in December, 1913, I was practising as a solicitor at Portsmouth. Exhibit 194 is a will prepared by me on Alice Burnham's instructions. She came to me on 8th December, 1913, between eleven and twelve o'clock. I duly prepared the will, and it was executed by her that morning. I cannot remember whether I handed it to her after she had executed it. To the best of my knowledge she was alone when she called on me. She was an absolute stranger to me.

CHARLES HENRY WAYLING, examined by Mr. WHITELEY—I am clerk to the Clerk of Magistrates at Portsmouth. In December, 1913, I was a clerk in the employ of Mr. Marsh, solicitor. I witnessed the will (exhibit 194). I remember the visit of the person who executed that will—Mrs. Alice Smith. I saw her when she came, and to the best of my knowledge she was alone. I also saw her when she came back to execute the will. She was alone.

SUSANNA MARSDEN, examined by Mr. TRAVERS HUMPHREYS—I live at 65 Adelaide Street, Blackpool, and I let rooms at that house. I remember early in December, 1913, a man and woman coming and asking for rooms. They told me that they came from Portsmouth, and they gave the name of Smith. I recognise the accused as Mr. Smith. They asked me for a bedroom. I showed them a bedroom and they said it was all right. Mr. Smith asked me if I had got a bath, and I said no, and then he said it would not do for them. I recommended them rooms in Regent Road, where I knew the houses had bathrooms.

Cross-examined by Mr. MARSHALL HALL—Have you had any experience of hospital nurses?—No.

Do you know they are particularly clean people?—Oh, yes.

Mrs. MARGARET CROSSLEY, examined by Mr. BODKIN—I am a widow living at 99 Cocker Street, Blackpool. In December, 1913, I was living at 16 Regent Road along with my daughter Alice. I remember some people calling for rooms at my house on 10th December. I recognised the accused as the man, and I also recognise in exhibits 192 and 193 the young woman who was with him. They gave me the names of Mr. and Mrs. Smith. Mr. Smith wanted to know if I let rooms, and said they wanted a bed-sitting room. I called to my daughter Alice to show them upstairs. Before they went upstairs I heard Smith mumble to Mrs. Smith, and I could not make out what it was, and then she said, "Oh, yes, have you a bath?" and I said, "Yes, that is all right."

Did you notice Mrs. Smith at that time to see what sort of health she seemed to be in?—Quite all right. They took a bed-sitting room in the front of the house. I asked them for how long



## George Joseph Smith.

Margaret Crossley

they wanted the room, and Smith said for probably a week. I charged them 10s. for the week. Having secured the room, they went out for their luggage, and then they came back with a brownish hold-all and a little parcel of some kind. They had their tea downstairs while we were getting the room upstairs ready. After tea Smith asked at what time the post went, and I told him about eight o'clock. They afterwards went out, and came back about ten o'clock. Before going out neither of them told me where they were going. Next morning, Thursday, the 11th, they had breakfast in their bed-sitting room about nine o'clock. It was arranged that they were to buy meat and other things themselves, and I would do the cooking. They came back for dinner about one o'clock. I asked Mrs. Smith if they had had a good night, and she said, "Yes, I am quite all right, thank you." She said something about a slight headache with travelling, and added, "I shall be all right." They told me that they had come from Portsmouth. After having their mid-day dinner they went out, and then came home to tea. They stayed in for a little after tea, and then they went out again. They told my daughter that they had been to the pictures. I attended them on the Friday morning. Mrs. Smith seemed to be quite bright and lively, and she did not say anything to me about a headache. After dinner Mrs. Smith came into my kitchen to return a book which I had lent to her. I thought she was a very nice person. She and Mr. Smith then went out somewhere and came back to tea. When I went up to the room to clear away the tea things I found Mrs. Smith writing—I think it was a postcard—and Mr. Smith was standing over her, at her right shoulder. He said, "I would not put that" or "Do not put that," and pointed to what she was writing. I did not hear her say anything as to whom she was writing. They went out about six o'clock; I actually saw them go out. While they were out my daughter prepared a bath. In my house I have a separate room used as a bathroom with a fixed bath. It is above the kitchen at the back of the house. The bed-sitting room which the Smiths occupied was on the first floor, to the front, and in order to go from it into the bathroom it was necessary to go along the corridor and down two or three steps. There is a pile carpet on the floor of that passage up to the bathroom, and there is a similar carpet on the floor of the bathroom itself. There is a cooking range in the kitchen under the bathroom, and there is hot and cold water laid on, so that it is possible to have hot water in the bath straight away. The bathroom is lighted by gas. Mr. and Mrs. Smith came back just a little before eight o'clock and went upstairs. My daughter, my son-in-law, and I were having our tea in the kitchen. The door of the bathroom is fastened by a bolt separate from the handle of the lock. It was in perfect order when the Smiths were in my house. [The bolt (exhibit 174) handed to witness, and to the Court and jury.]

## Evidence for Prosecution.

Margaret Crossley

By Mr. JUSTICE SCRUTTON—Any one who wanted to bolt the door could do it?—Yes. Whoever used that room always bolted the door.

*Examination continued*—They were both in good order when the Smiths were in my house. Whilst sitting in the kitchen I noticed that there was some water coming through the ceiling and on both sides, the end and side, down the walls. I never noticed that before when a visitor in the house had been taking a bath, nor have I ever noticed it since. I did not hear any sound at all from the bathroom as I was sitting in the kitchen. The three of us remarked amongst ourselves upon the water on the ceiling. Mr. Smith came down into the kitchen with two eggs for next morning's breakfast. I wondered what was the matter with him; he looked so wild and agitated. I should think he stood talking in the kitchen for about ten minutes or so, but I could not really say—a little time, just a short time. He spoke about a motor fire engine that was going to be tried on the Monday following, and that he would have to go and see it. After talking for a while he went away, and then I heard him call "Alice, when you have done put the light out." I said to my daughter, who was in the kitchen at that time, "Alice, there is Mr. Smith calling for you," and she went to the stairs and called out wanting to know if he was calling for her. He said, "No, I was calling my wife and she does not answer me." I left the kitchen then and went up two or three steps, and then I saw Smith on the bathroom landing; he was standing on the mat in the bathroom doorway. He said, "Fetch the doctor," and I said, "Oh, what is the matter?" He replied, "My wife cannot speak to me; fetch Dr. Billing, she knows him." Dr. Billing lives quite near to my house. I ran for him, and he came to my house in a few minutes. I waited on the stairs when he came, and then I asked him what was wrong, and he said, "Oh, she is drowned; she is dead." Smith was upstairs on the landing then. I went back to the kitchen, and my daughter called Mrs. Haynes to come in. After the doctor had gone Smith came down into the kitchen. I said to him, "How dreadful; what an awful thing this is," and he said he would not be surprised at anything that would happen afterwards. When they got the lady out of the bath I told him I would not have him stopping in the house. I said to him, "Now, Smith, you cannot stop here to-night," and he said, "Why, I could sleep where she was," and I said, "I take care you do not." He replied, "When they are dead they are dead."

The PRISONER—This woman is a lunatic.

*Examination continued*—I asked Mrs. Haynes to provide Smith with a bed, and I said to her that if he did not pay her I would pay her. Mrs. Haynes' house is just over the garden wall. Smith slept in her house that night. The body of Mrs. Smith was taken into the bed-sitting room which they had. I remember the policeman coming

## George Joseph Smith.

Margaret Crossley

that evening; he did not stay very long. The body was taken away from the house the next day. On the Saturday morning the prisoner came back to my house for breakfast.

Did you notice his behaviour or his manner?—Yes, I did not like his behaviour under the circumstances, and I said so. I said to him I thought he was callous; I said so several times. On that Saturday morning I went up into the bed-sitting room, and I noticed something there which I had not noticed before. I saw a medicine bottle and a box of tabloids, and I brought them downstairs and said to my daughter, "I think we will destroy these." I threw them into the dustbin. There had not been any more than a tablespoonful of the medicine taken out of the bottle. The box of tabloids appeared to be full. In the course of the Saturday reference was made to the funeral, that it was to be on the Monday morning. I think it would be in the middle of the day that I heard that the inquest was to take place that evening. I gave evidence at the inquest. I asked Smith who would be coming to see his wife buried, and he said, "Oh, no one will come." I said, "There will be somebody come belonging to her surely," and he said, "No, they are too poor, and too common; they will not come." He brought his hold-all down into the dining room and packed it there. I was at home on the Sunday afternoon, and I saw Mrs. and Mr. Burnham, and put them up for the night. I saw the prisoner both before and after the funeral on the Monday. After the funeral he came to fetch his hold-all, and stayed for about ten minutes. I remember his leaving me an address—"G. Smith, Esq., 80 Kimberley Road, East Southsea." [The usher showed the witness one side only of exhibit 175, a postcard on which prisoner had written his address. On the other side witness had written "wife died in bath, I shall see him again some day."] He wanted me to send some newspapers containing a notice of the death, but I did not do so. I did not see him again, nor did I hear from him until I saw him at Bow Street. I never make any charge to my visitors for taking a bath.

Cross-examined by Mr. MARSHALL HALL—I have kept this lodging-house at Blackpool for one year. When Mr. and Mrs. Smith arrived I saw nothing strange in their behaviour. She was a very nice woman, and, as far as I could judge, he was a respectable-looking man.

Until the evening when the death happened, you had no fault to find with either of them?—No.

The first thing untoward that happened at all was water coming through the ceiling from the bathroom?—Yes. The water ran down the walls, and there was a big patch on the ceiling.

I suggest to you that you have got a very strong feeling against Mr. Smith?—Oh, no.

And that you are colouring your evidence?—No, I am not.

Do you know that between the bathroom and the kitchen ceiling

## Evidence for Prosecution.

Margaret Crossley

there are joists and all the space between the floor and the top of the ceiling?—Yes.

Do you know how long it takes for water percolating through the ceiling after it has overflowed in a bathroom to come down actually in drops?—I do not know how long it takes, but I saw it.

Madam, did any water come through that ceiling?—It ran down—it was on the ceiling.

Did any drop of water drop from the ceiling?—It ran down the wall.

Mr. Smith came into the kitchen very shortly after the water had come through. Did you call his attention to the fact that the water was coming through?—No. I wanted my daughter to go up and tell him it was coming through, but she said, "No, don't bother; tell them next time." I did not tell Mr. Smith that water was coming through, because I thought they would think that we were grumbling after they had only been in the house for two days. I did not go up into the bathroom, and I never saw the body in the bath. My daughter and her husband went into the bathroom. I won't say whether the police went into the bathroom or not, but the doctor did. I did not hear Smith come downstairs.

Did he come downstairs or come in at the front door?—He came down the stairs.

How do you know?—I know by him having eggs in his hand, and he had no hat on or anything.

That night you told Mr. Smith he could not sleep in your house?—Yes.

You were very angry with Smith that night?—No, I was not very angry.

You say you thought he was very callous?—I thought he was a very hard man.

And you told him you would not have him in the house?—Yes.

You spoke to him quite sharply, did you not?—I do not know if I spoke sharp or not. I felt worried about the affair.

Did he ask you why you would not have him in the house that night, and did you say, "Because I won't have a callous man like you in the house"?—Yes.

What do you think made you say he was a callous man?—Because he did not seem to worry at all, for one thing.

Was he not very much upset?—There is a difference between being in trouble and upset. I did not like his manner, and he knew I did not.

Did you think he had had something to do with his wife's death?—I was thinking he was a hard-hearted man. I shall not answer the question what I thought.

You won't answer the question?—No, I cannot answer it, what I think about that.

## George Joseph Smith.

Margaret Crossley

Did you think the water coming through the ceiling was an important matter?—I did not think so much just at the time, but I thought it was strange that it should be coming through, because we never had it before. On the Saturday morning Smith came back to my house and had breakfast in the downstairs sitting room.

And went out to see the undertaker?—Yes, he said he was going.

Did you think in the morning his demeanour was the same as it had been the night before?—I did not think he had the feeling of a husband that night. I saw him again on the Saturday afternoon.

Had anything occurred to change the feeling, whatever it was, that you had towards him the night before?—I had no wrong feeling against him at all—only to speak the truth. I gave evidence at the inquest on the Saturday evening. I think I knew about mid-day that I was wanted to give evidence.

Did you tell one of the gentlemen of the jury at the inquest this, "They were both strangers. She was a very nice person. I was thoroughly satisfied they were all right"?—Yes, I did say so.

Did you say in answer to a question by the jury, "She asked if she could have a bath"?—On the Friday night?

Yes?—She asked my daughter for a bath. My daughter was not present at the inquest.

Did you ever tell the coroner that the water had come through the ceiling?—No, I was not asked the question.

Had you pointed out the fact that the water had come through the ceiling to the policeman?—No.

Your daughter and your son-in-law, Mr. Crossley, saw the water?—Yes.

But nobody else except you three that you know of?—No.

Is this what you said before the magistrates—"On Thursday morning I asked her if she had been comfortable, and did she feel better for the night's rest"?—Yes.

"She said, 'I have had a little headache, that is the only thing I want to get clear of.' " Had she complained again of headache after the Thursday?—No, I do not remember her doing so.

Did she complain to you of a headache on the Friday?—Well, she did. She had only a tiny headache. I remember something about headache, but it was so slight that I took little notice of it.

This is what you said to the coroner—"On Thursday morning I asked her if she had been comfortable, and did she feel better for the night's rest. She said, 'I have had a little headache, that is the only thing I want to get clear of.' " She complained again on Friday, 12th December, 1913, of the headache. She went about as usual until after tea on Friday, and she and her husband went out somewhere about seven o'clock, and returned at 7.45, when she came and asked, "Could she have a bath," and I said she could, and she said she would have one about eight o'clock. That is what you

## Evidence for Prosecution.

Margaret Crossley

said to the coroner?—She asked my daughter about the bath. I do not remember saying anything to the coroner about a headache on the Friday.

If the coroner has written that down, then has he made a mistake?—I do not remember hearing anything about that—only that she had a tiny headache with travelling.

You knew that the inquest was for the purpose of inquiring into the cause of this unfortunate woman's death?—Yes.

If you had had any suspicion of the husband being concerned in that death, would it not have been your duty to have told the coroner?—It would not have been my business to say anything.

Whatever your suspicion might have been, you would have felt justified in keeping it to yourself?—It would not have been my business to have said a word whatever I had thought.

May I take it from your evidence at the inquest you did not either intend to, or, in fact, convey any suspicion against Mr. Smith?—I only answered questions I was asked.

You never said anything to the coroner about the conversation you had with Mr. Smith about sleeping in your house?—No.

Who was the first person you told about that conversation?—It was some of the police officers no doubt, but I could not tell which one. I heard no sound in the bathroom before I saw the water coming through the ceiling. The bath was all encased in with a wooden surrounding. I do not know whether there was a lead tray under the bath or not. The mark of the water remained on the ceiling till I left the house in March, 1914. The rent of the house was £32. It was a substantially built house. There was no carpet underneath the bath.

Re-examined by Mr. BODKIN—I saw Police-Sergeant Valiant in the dining room on the Friday night. He did not stay very long. I think the inquest started about six or half-past six, and it would last for about half an hour, but I am not sure. I noticed that something was being written down while I was given my evidence. I could not say whether it was being written in shorthand or in ordinary writing. I do not think the evidence was read over to me, but I do not remember. There was a brown mark on the ceiling where the water had come through. There were pictures hanging where the water came through. It marked the paper at the back of them. When we saw the water oozing I said, "Oh, Alice, go and tell Mrs. Smith not to fill the bath," and she said, "Oh, mother, they will think we are grumbling. Do not let us say anything now."

Mrs. ALICE CROSSLEY, examined by Mr. BODKIN—I am the wife of Joseph Crossley, and the daughter of the witness, Mrs. Margaret Crossley. In December, 1913, I was living at 16 Regent Road, Blackpool. I recollect Mr. and Mrs. Smith coming to stay at our house on 10th December; they stayed in the front bed-sitting room. I

# George Joseph Smith.

Alice Crossley

saw Mrs. Smith in bed. She seemed to be in good health, and she made no complaint to me about feeling ill in any way at all. I went up to their room about breakfast time on the Thursday morning, and I found that they were both up. I asked her what sort of night she had had, and she said the best night she had had for a long time. They went out during the day, and came in for their meals. They said they had been at a picture show, or something. Mrs. Smith seemed to be in very good spirits. On the Friday afternoon Mrs. Smith spoke to me, and in consequence of what she asked me I prepared the bathroom for eight o'clock. I began to get it ready just before eight. I lit the gas in the bathroom.

By Mr. JUSTICE SCRUTTON—I did not put the water in the bath; I left Mrs. Smith to do that.

*Examination continued*—I just lit the light and pulled the blind down, and saw that there were towels and soap. I saw Mr. and Mrs. Smith come in just before eight o'clock. They went upstairs together. Later on I saw Mrs. Smith on the landing, just near the door of the bathroom. She was dressed in her nightdress, and seemed to be going into the bathroom.

Do you know where the prisoner was then?—Probably in the combined room. After seeing Mrs. Smith near the bathroom I went down to the kitchen and had some tea with my mother and my husband.

Whilst you were in the kitchen did you hear any sounds coming from the bathroom?—No.

Did you notice anything in the kitchen?—Water was coming down the wall from the bathroom, and was also on the ceiling. I could see the water running down.

What was the next after you saw the water coming?—Mr. Smith came down in the kitchen. I did not hear him until he came to the kitchen. When he came in he said, "I have brought these eggs for our breakfast in the morning." He stopped a little while in the kitchen talking about the fire engine, and then he went upstairs again. I then heard him call to his wife, "Alice, put the light out." I went to the stairs and asked if he was calling for me, and he said, "No, I was speaking to my wife to put the light out in the bathroom." I went back into the kitchen, and after a few moments I heard him call out, "My wife cannot speak to me." I went back to my mother in the kitchen, and then went to the stairs, and Smith told us to go for Dr. Billing. He was then on the top of the stairs. My mother went for the doctor, and I went to fetch the neighbours next door, Mr. and Mrs. Haynes. When the doctor arrived he went upstairs. Mr. and Mrs. Haynes came in after the doctor arrived, and I went back into the kitchen. I saw Smith again that night about the house, but I did not have any conversation with him. On the Sunday morning I was in our sitting room, which looks out over the street. Mr. Smith was in the same room writing. While looking

## Evidence for Prosecution.

Alice Crossley

out of the window I saw some people coming along, and I said, "There are some people coming up the street in black. Are they for you?" Mr. Smith replied, "No, they will not be for me." Then he looked out of the window and said, "Yes, my God, it is her mother and her brother; I wish it had been the old man." Mrs. Burnham and her son came into the house. On the Thursday Mrs. Smith me that she had had the best night that she had had for a long while. She made no complaint after that about her health. Whilst living in our house she seemed to be all right and in good health.

Did you talk to her yourself?—Not myself. You see two days was not very long to get into conversation. I spoke to her just a little. She seemed to be all right when I was talking.

Cross-examined by Mr. SHEARMAN—I did not ask her about her health on the Friday. There is a large window in the bathroom. After getting the bathroom ready I went downstairs into the kitchen and closed the door, but did not fasten it. I heard Mr. and Mrs. Smith come in.

I think you did not see either of them; you only heard them?—We had no other visitors in the house, and so there was no one else to come in.

The next thing you saw of either of them was when Mr. Smith came downstairs. You tell me you heard them come in?—Yes, I did.

You did see Mrs. Smith in her nightdress?—Yes, I did.

Did you see Mr. Smith again after they came in?—Not just then when I spoke to her in her nightdress. I could not say how big a patch the water made.

Could you say about how wide the stain was?—I cannot say; I was too upset after the affair altogether. I just remember seeing the water coming down about twenty minutes past eight or half-past eight on the Friday night.

What makes you say twenty minutes past eight?—I could not say exactly to the time.

Do you say that because that was after Mrs. Smith had gone into the bathroom?—It was after Mrs. Smith had gone into the bathroom. I remember giving evidence at the Police Court.

Do you remember saying this—"I cannot say whether his visit with the eggs was before or after I saw the water coming down"?—Well, I had not been well at the time myself, and I was very upset. The policeman came to the house that evening. There was the mark of the water on the wall when he came, but he did not come into our kitchen; he went upstairs. I did not call the policeman's attention to the mark on the wall, as I did not see him. I could not say whether my mother called his attention to it.

By Mr. JUSTICE SCRUTTON—When you saw Mrs. Smith outside the bathroom did you say something to her about the water?—Yes, I



## George Joseph Smith.

Alice Crossley

told her not to put too much water in, as it had not been heating very long. I thought that if she put much cold water in it would make the bath too cold.

JOSEPH CROSSLEY, examined by Mr. HUMPHREYS—I am employed at Clifton Hotel, Blackpool. In December, 1913, I was living at 16 Regent Road. I remember a Mr. and Mrs. Smith staying in the house. I remember the Friday when Mrs. Smith died. I remember Mr. and Mrs. Smith going out in the evening of that day, between half-past seven and eight o'clock. They went out together. They said they were going to post some letters or postcards, or something. I noticed that they had some letters or postcards in their hands. Mrs. Smith said in the presence of her husband that she was writing to her mother. As she and her husband were standing outside the kitchen door she asked my wife to prepare a bath. I saw them come back in about ten minutes or quarter of an hour. Mrs. Smith called in the kitchen. I did not see Mr. Smith. I could hear them talking. Mrs. Smith stayed in the kitchen just a moment or two, and then she went upstairs. I stayed in the kitchen and had some tea there. While I was in the kitchen I noticed water coming through the ceiling and making a mark of about 7 or 8 inches. The water fell through on to some pictures. The pictures are marked now.

By Mr. JUSTICE SCRUTTON—I have some slight knowledge of plans, but I am not altogether versed in them. I mark with a cross on the plan shown where the water was on the ceiling.

*Examination continued*—I think it would be about a quarter-past eight when I noticed the water coming through the ceiling. I went out to my work immediately after that. I was called back from my work at about twenty-five minutes to nine. When I returned to the house in Regent Road I found that Dr. Billing was there. I went up to the bathroom. There was no one in the bathroom except the body. I saw the body. The doctor was standing on the bottom of the stair steps. Mr. Smith was in the passage, going to the kitchen. I spoke to Dr. Billing in the hearing of Mr. Smith, and asked him what was the matter, and he said, "Oh, she is dead." Of course, I was quite surprised, and I walked straight up the stairs to the bathroom and saw the body and came back. When I came back to Mr. Smith I told him I would have to report it to the police, but he said he had already done that. The policeman came about ten o'clock. I went with Smith to the police station and then back home. I went with Smith to the undertaker, Mr. Hargreaves, that night. The undertaker came next morning. Before the undertaker came I asked Mr. Smith if he had been to look at his wife, and he said, "No, that he had never seen a corpse in his life." I said, "I have; I will go and look at her then," and I went in. The bath which I to-day see in the Court is the bath in question. It was cased in all round with wood, and one side was to the wall.



**G. J. Smith, "Esq."**

**A gentleman of independent means.**

## Evidence for Prosecution.

Joseph Crossley

Cross-examined by Mr. SHEARMAN—I went to my work about a quarter-past eight on the Friday evening. My work was not very far away. The water which came through the ceiling did not spread. It left a patch measuring 7 or 8 inches.

You swear you noticed that water coming down at that time?—Yes, I will swear that. After I saw it I went away. I was in the house when the policeman came later on to take particulars.

Did you have a talk with him?—I took him to the body.

I daresay he asked you some questions. Did you show him the water?—Yes.

In the room downstairs?—No, not in the room downstairs. It was in the bath.

You took him up to the bathroom?—Yes.

Did you show him where the water had come through?—No, I did not.

Why not?—Because I did not attach any importance to it at the time.

Mrs. ANNIE PAGE, recalled, further examined by Mr. BODKIN—Whilst Alice Burnham or Mrs. Smith was lodging with me she never took a bath.

Further cross-examined by Mr. SHEARMAN—The bath is not a very large one, and it is very seldom used. I do not think either of them ever saw the bath.

Is the bath ever used at all?—No

FREDERICK JOSEPH ECKERSALL, examined by Mr. BODKIN—I am a solicitor practising at 3 Regent Street, Cheltenham. On 17th January, 1914, the prisoner went with me to 266 High Street, Cheltenham, and produced to me the probate of the will of his late wife, Alice. I got certain instructions from him, and in consequence I communicated with the North British and Mercantile Insurance Company to get the money for him from the company. I took the usual steps and communicated with, amongst others, Dr. Billing, of Blackpool, as being the doctor who would be able to give a certificate of death. I received exhibit No. 210 from Dr. Billing and forwarded it to the company. In due course I prepared and forwarded to the company exhibit 211, an authority to pay the moneys assured by the policy to Lloyds' Bank, Cheltenham. I got that signed by my client, George Joseph Smith.

Mrs. ADA BROWN, examined by Mr. WHITELEY—I am the wife of William Brown, and live at 226 High Street, Cheltenham, where we keep a newsagents' shop. That shop is used as a letter bureau. I recognise the prisoner. In the beginning of 1914 he used to call at my shop for letters. He gave the name of G. J. Smith. The letters that were handed to him were in that name.

# George Joseph Smith.

**Cecil Heane Lindop**

**CECIL HEANE LINDOP**, examined by Mr. BODKIN—I am the sub-manager of Lloyds' Bank at Cheltenham. We had a client named George Joseph Smith on 5th January, 1914. I produce a certified extract from the books of the bank (exhibit 248). I find on 7th January there was transferred £199 19s. 7d. from the London County and Westminster Bank at Brixton to the credit of George Joseph Smith's account. On the next day £170 was drawn out—"Pay self, £170." On 18th January there was a credit of £506 paid into the account; it was received from the North British and Mercantile Insurance Company. On 22nd January there was £500 paid out of the account to the North British and Mercantile Insurance Company. On 25th April there was a credit of £44 3s. 2d. under the heading "North British Annuity." That was a payment received from the North British for his credit. The account was closed on 18th May.

**ROBERT PEMBERTON LEVER**, examined by Mr. BODKIN—I am accountant at the National Provincial Bank at Portsmouth. A deposit account was opened at that bank on 2nd October, 1913, in the name of George Joseph Smith. On 8th October £100 was paid in, and on the same day £100 was drawn out. Altogether, including interest, there was £150 12s. 11d. credited. That amount was drawn out. The account was opened between 2nd October and 19th December, when the closing item of £150 12s. 11d. was drawn out. Exhibit 252 contains particulars of bank notes paid into that deposit account by that customer and also of notes issued.

**GORDON HIER EVANS**, examined by Mr. BODKIN—I am chief clerk at the National and Provincial Bank, Weston-super-Mare. I recognise the prisoner. A deposit account was opened in his name on 24th September, 1914, into which £128 was paid. The whole of that £128 was drawn out on 5th November, 1914.

**WILLIAM HARRIS CLIFFORD**, examined by Mr. BODKIN—I am cashier at Lloyds' Bank, Weston-super-Mare. I produce a certified copy of the account of George Joseph Smith at that bank opened on 30th September, 1914. I find there a credit of £52 15s. 1d. From the waste book of the bank I find that £52 15s. 1d. was represented by a cheque of the North British and Mercantile Insurance Company.

The Court adjourned.

## Fifth Day—Saturday, 26th June, 1915.

WILLIAM HAYNES, examined by Mr. HUMPHREYS—I reside at 18 Regent Road, Blackpool; that is next to No. 16. I recollect on Friday evening, the 12th December, 1913, being called into No. 16 about half-past eight. I saw the body of Mrs. Smith when I went into the house. It was in the bathroom. I assisted in carrying the body into the bedroom. I saw the prisoner there that evening. I went into his room. While I was in his room I saw him pick three or four rings off the mantelpiece and put them into a purse, and then put the purse into his pocket. I went into the bathroom later on in the evening. There was water in the bath; I should say it was from half to three parts full. I let the water off. The water was soapy.

Cross-examined by Mr. SHEARMAN—The rings I have already referred to were lying on the mantelpiece of the room.

Can you remember whether they were lying openly on the mantelpiece, where anybody might see them, or whether they were in a small box?—Well, they were lying openly, where anybody could see them, but it was a private room; there was nobody else in the room but Mr. Smith and myself. It was after I had seen the lady's body that I went into the room with Mr. Smith.

Mrs. SARAH HAYNES, examined by Mr. HUMPHREYS—I am the wife of the last witness, Mr. William Haynes, and I live with him at 18 Regent Road, Blackpool. I remember being called into No. 16, next door, on the evening of Friday, 12th December, 1913. I saw the body of Mrs. Smith being taken out of the bathroom and put into the room next door. I noticed that there were no rings on the body of Mrs. Smith at that time, not even her wedding ring. On the Sunday morning I went into the bathroom to clean it up.

Did you notice anything in the bath?—Yes.

What was that?—A quantity of hair. It was a woman's hair.

How are you able to tell us it was a lady's hair?—Well, the length of it.

Where was it?—Round the sloping end of the bath and in the outlet.

You say it was round the sloping end. There are two sloping ends to a bath?—Well, round the broad end of the bath. The taps were at the narrow end of the bath. There was hair at both ends of the bath, at the round end, and at the end where the taps were. It was dark hair. I noticed that there were two hairpins in Mrs. Smith's hair, as though it had been done

## George Joseph Smith.

Sarah Haynes

up. I have cleaned out baths on many occasions after ladies have had their baths.

Can you give us an idea of the quantity there was on this occasion?—Well, there was a quantity, a large lump, but I could not give you an idea.

Have you found on other occasions hair after ladies have had their bath?—It is very unusual to find hair in the bath. I have never found such a quantity of hair as I found on this occasion.

Cross-examined by Mr. SHEARMAN—It is unusual to find such a quantity of hair in a bath after a lady has had a bath. I quite agree, however, that there would be some in the case of a lady with long hair, but you generally find it on the towel, not in the bath. We have a bathroom in our house. The photograph produced shows that the deceased Mrs. Smith had a thick head of hair. The hair that I found in the bath was spread round the end of the bath as though the water had drained from underneath it. The loose hair was lying down the sloping end of the bath. It was very noticeable in the bath. I noticed it directly I went to it. I cannot say, however, whether any one would have noticed it had they gone to the bathroom and looked into the bath—not unless they had gone to clean the bath the same as I did.

Then it would only be noticed by anybody who looked at the bath closely like you did?—Yes, to clean it up.

And you did not see it until Sunday morning?—No.

ROBERT VALIANT, examined by Mr. WHITELEY—I am a sergeant in the Blackpool County Borough Police Force. On Friday evening, 12th December, 1913, I went to No. 16 Regent Road, and I there saw the body of Alice Smith. It was lying in the front room covered with a sheet. It would be about 9.50 that night when I went. I saw the prisoner as I was coming downstairs; he was at the bottom of the stairs, in the lobby. He had his coat off and his shirt sleeves rolled up. I could not say whether he had both of his shirt sleeves rolled up, but I am almost sure he had his right sleeve rolled up. I had been told by the witness, CROSSLEY, that this was the husband of the deceased, and I said to him, "Are you Mr. Smith?" and he said "Yes." I told him I should require a statement from him respecting his wife's death. Crossley was there at that time. Crossley said, "Well, we will follow you down to the police station; it is close by." The prisoner and Crossley followed me down to the police station. The prisoner there made a statement, which was written down by another constable. Exhibit No. 236 is the statement he made. "I am a gentleman of independent means, and reside at No. 80 Kimberley Road, Portsmouth, and now on a visit to Blackpool, and staying at No. 16 Regent Road, Blackpool, along with my wife, Alice Smith, aged twenty-five years. At about 4.30 p.m. on Wednesday, 10th December, 1913, I arrived in Black-

## Evidence for Prosecution.

Robert Valiant

pool from Portsmouth with my wife, the deceased. Shortly after we arrived my wife complained of a pain in the head. I took her to Dr. Billing, Church Street, who asked her what was the matter with her. She complained of pains in the head and being costive. The doctor gave her some medicine. At about 5 p.m. to-day, Friday, 12th inst., she again complained of pains in the head. I took her out for a walk at about 7.15 p.m., and returned about 7.45 p.m. She then said that she felt much better, and thought that she would have a bath. About fifteen or twenty minutes after she had gone into the bath I called out to her to mind and turn the lights out after you are finished. I got no answer from her. At the same time Mrs. Crossley came upstairs, thinking I was calling her. We both looked into the bathroom and found her under the water. I lifted her head up out of the water and held it until the doctor came. We then lifted her out of the bath. The doctor examined her and pronounced life extinct." After the prisoner made that statement the inspector in the Charge Office said to him, "Are you going to take your wife home to bury her, or are you going to bury her here," and he said "I will bury her here, as my means are limited."

Did you make any note at all of the prisoner's manner?

Mr. SHEARMAN—I object. Can we have this witness's opinion?

Mr. JUSTICE SCRUTTON—Surely, Mr. Shearman, if there was a murder and a man had blood on him, could not the constable say, "I saw blood on him"? If you may have what the constable sees of that sort, may not you have what a constable sees of the prisoner's demeanour? It is a question of degree.

Mr. SHEARMAN—If your lordship pleases.

Mr. JUSTICE SCRUTTON—The jury will have to bear in mind that a good many people who have seen nothing, when they are told something they see a lot. There is a good deal of that in all this evidence. The jury will be careful and give weight to it.

*Examination resumed*—Did you notice his demeanour?—Yes; he appeared callous and in no way disturbed. I was acting as the coroner's officer at that time. We did not know until the Saturday about the time and date on which the inquest was to be held. I believe it was on the Saturday that we heard about it. I cannot say what the exact time was, but it would probably be about 4.30. I did not warn the witnesses; that was left to some other man. I think the inquest was held somewhere about six o'clock. There were two inquests held that day, and it was the following one, I believe; but I could not say definitely.

Cross-examined by Mr. SHEARMAN—I was the coroner's officer at that time. I am not really appointed coroner's officer; we take it in turns. That was not the only time that I had been down to inquire about a death; I had been there hundreds of times. I generally take notice of the demeanour of witnesses

## George Joseph Smith.

Robert Valiant

Can you tell us the demeanour of anybody you have taken a statement from in the last three years?—You can generally see something as between husband and wife.

Did you make a note?—No.

You rely on your memory?—Yes.

Do you take a notebook when you go down to inquire about a death?—Yes.

Was this taken down in a book?—No; he came down to the station and made a statement.

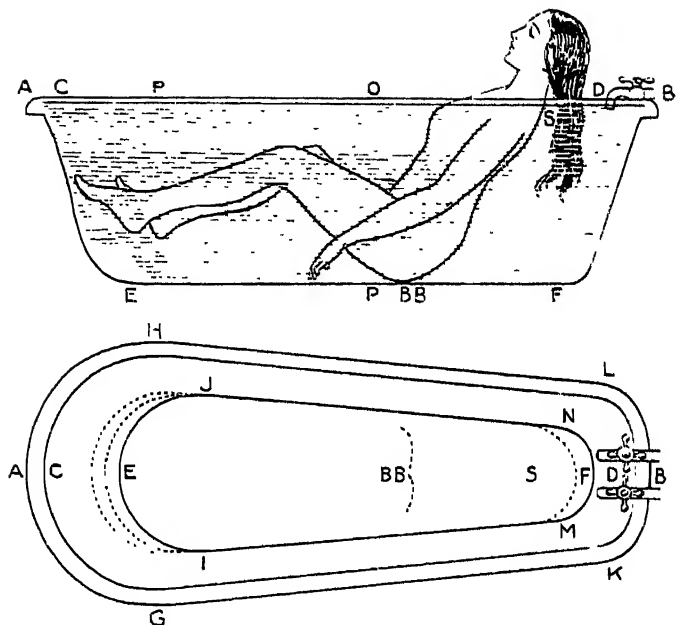
So that there is no note in any book at all?—No. I did not make any note of what the prisoner said. I am only speaking from my recollection. I thought at the time it was a strange remark.

Dr. GEORGE BILLING, examined by Mr. BODKIN—I am a registered medical practitioner at 121 Church Street, Blackpool. I recognise the prisoner. I remember seeing him for the first time on the 10th of December, 1913. He came to me with a young woman whom he said was his wife. It would be about half-past five or thereabouts in the afternoon. He said his wife complained of headaches.

At this stage the bath was exhibited in Court.

They said they had come a long journey—from Portsmouth, Bristol, or somewhere else. They attributed the headaches to the journey. I examined the patient. There was nothing out of the way in her pulse; I think her pulse was rather slower than usual. It was nothing out of the way. I asked her about the state of her bowels, and I examined her tongue. She was suffering from constipation. I looked at her tongue. It was rather foul—dirty. I mean it was coated. I did not make any further examination of her. She looked rather tired. She was a short, pale woman, extremely fat. From a medical health point of view she looked quite healthy. I prescribed some tablets for her headache, and a stomach medicine. The tablets were made of acetanilide, caffeine, and heroin. They are a sort of antipyretic that relieves the headache through the blood system. I think I probably gave her a dozen. I gave her them in a small box. I keep them ready made. The stomach mixture consisted of some bi-carbonate of soda, rhubarb and genetian, and something of that sort, and chloroform water. I made up the prescription there and then. The effect of that medicine would be to correct the stomach and assist the bowels. The dose was two tablespoonfuls—an ounce. It was an eight-ounce bottle I gave her. She took these two things away with her. My fee was 3s. 6d. I was paid then. On the Friday night I was called by Mrs. Crossley, of 16 Regent Road, about half-past eight. I went back with her. On going back to the house I went straight up to the bathroom. On going into the bathroom I saw Mr. Smith





**Blackpool Bath.**

Length, over all, 5 feet 6 ins.,	- A-B	
„ inside, 5 feet 3 ins.,	- C-D	
„ flat bottom, 3 feet 9 ins.,	- E-F	
Width, sloping end, top, 2 feet 3 ins.,	(G-H)	Position of buttocks, BB
„ „ bottom, 1 foot 2 ins.,	I-J	Position of shoulder, S
„ tap end, top, 1 foot 3½ ins.,	- K-L	Height of woman, 5 feet
„ „ bottom, 1 foot,	- M-N	(Undertaker's measurement, 5 feet 6 ins.)
Depth, 1 foot 6 ins.,	- O-P	

## Evidence for Prosecution.

Dr. George Billing

supporting her head with his left arm in the bath. I did not notice anything particular about his dress, except that he had one sleeve of his coat rolled up. I believe it was the left one—the one he was supporting her with.

At this stage witness demonstrated how the deceased was lying in the bath when he saw her.

Her head was at the lower end of the bath. She partly sat up and he supported her. Her legs were towards the top of the bath, under the water.

Could you see?—No, the water was soapy. I should say the water came above the breasts when I saw her; it would be within half an inch of the top. Her back was about a foot from the taps. She was lying right down at the bottom of the bath, but her head was raised. I did not see where her buttocks were resting on the bottom of the bath, but I think they were right down at the bottom. I could not see whether the legs were bent or not, the water was so soapy. There was a light in the room. I put my hands in the water. It was quite hot. I asked the prisoner why he had not lifted her out, and he said he could not. I then said, "Why did you not pull the plug?" and he said he did not think of it. I then assisted him in lifting her out. I took hold of her left arm and right leg and he took the shoulders and the right arm. The body was quite limp. After we got her out I examined her. She was dead. I cannot say how long she had been dead.

By Mr. JUSTICE SCRUTTON—I did not notice whether her hair was wet or not. When I saw her in the bath she was sitting apparently on the bottom of the bath and he was supporting her with his arm. The water was up to her breasts. Supposing she had been swung back from that position her head would have been under the water. I should think the whole of her head would have been under the water had she been lying down.

*Examination resumed*—Supposing her head were back against the taps, the water being, as you have told us, an inch below the top, you say her mouth would be under water?—Yes, she would be under water all the time—she would be under water altogether then.

At this stage witness marked on the bottom of the bath where he thought her buttocks would be resting.

The point I have marked is about 18 inches from the narrow end of the bath. When I saw her her back was slightly bent.

Witness then indicated where he thought the line of her shoulders would be.

## George Joseph Smith.

Dr. George Billing

The top of that line is about  $9\frac{1}{2}$  inches from the back of the bath. The water was within half an inch or so of the top when I first saw it, and it would come higher, of course, if her head went under. There is no overflow to this bath, and the water could not overflow except over the sides. I made no measurements of the body nor the bath. Next day I made a post-mortem examination. The heart was slightly enlarged and the mitral valve was thickened, and there were signs of fatty degeneration setting in. The stomach was almost empty, chiefly fluid in it, and the liver was slightly enlarged and inclined to be fatty the same as the heart. The lungs were sound and contained water. I formed the opinion that the cause of death was drowning. I noticed an operation scar upon the stomach. In the case of a young woman who is fat one expects to find fat surrounding the heart, and most of the organs. When I said I found fatty degeneration of the heart I was not referring to the ordinary fat surrounding a person's heart; in the case of fatty degeneration a fat gets in between the muscles. I found that condition just beginning. There was nothing in the condition of the heart to obstruct its action. I thought the thickening of the mitral valve was of old standing. That thickening comes from inflammation. Rheumatic fever might tend to produce inflammation round the valve. If I am told that at the age of about ten she had rheumatic fever, the appearance I found was consistent with the thickening having commenced then. I should think that thickening of some of the valves is found pretty frequently in post-mortem examinations. In my opinion it was not from any affection of the heart that she died; as I have stated, the cause of death was, in my opinion, drowning.

Cross-examined by Mr. SHEARMAN—The deceased was a very fat woman. She was particularly fat about the breasts.

Did you say this at the inquest—"I take it that the hot water would act upon the heart and cause her to have a fit or faint. It was the heart affection which caused her to be mazy while she was in the water"?—Yes; it was our opinion that hot water might cause anæmia of the brain, or she might faint in the bath. That was my view at the time after I had seen her. The water was not very hot while I was there, but it was hot.

By Mr. JUSTICE SCRUTTON—I should say it would be about 100 degrees.

*Cross-examination resumed*—The bath was so full of water that it nearly reached the top. It was so full that when her husband was propping her head up it was over her breasts. I am still of the opinion that, sitting as she was when I found the husband supporting her head, it would be quite impossible for her head to have been immersed at the narrow end of the bath. I made a careful post-mortem examination; it took me two and a half hours to make it. I had no doubt that the fatty degeneration was present.

## Evidence for Prosecution.

Dr. George Billing

It affects the mitral valve. You cannot detect that condition in the early stages. It does not have much weakening influence in the early stages. I did not notice anything about the prisoner's clothes beyond the fact that his sleeve was rolled up. I did not notice whether his clothes were wet or not.

Re-examined by Mr. BODKIN—It was late in December, but I do not remember what sort of weather it was. I estimated that the temperature of the water would be about 100 degrees by putting my hand into the water. That depends, of course, a good deal upon the condition of one's hand. I do not remember what the condition of my hands was at that time.

Tell us how you came to say at the inquest, "The water was warm . . . I took it that the hot water would act upon the heart and cause her to have a fit or faint"?—Because it produces anæmia of the brain and they may have a fit or a faint without any heart trouble at all. We were trying to find a reason for her death when I said that. When I said at the inquest, "It was the heart affection that caused her to be mazy whilst she was in the water, and then she was helpless and was drowned," I meant by "mazy," dizziness.

How did you know she was dizzy?—I did not know she was dizzy. It might cause it.

What heart affection caused her to be mazy?—She had a thickening of the mitral valve which would prevent to some extent the blood circulating properly, and the warm water would bring the blood from the brain down to the heart and put pressure upon the heart.

By Mr. JUSTICE SCRUTTON—Did it strike you at all odd to find the head at that end of the bath?—Yes, very odd.

SAMUEL TUDOR, examined by Mr. BODKIN—I reside at 614 Newhall Lane, Preston, Lancashire. I am clerk to Mr. John Parker, the coroner for the District of Lancashire, comprising Blackpool. I was at Blackpool on the 13th December, 1913. The coroner had two inquests to hold that day. The coroner lives in Preston. I acted as his clerk at the inquest on the body of Alice Burnham. The inquest started about half-past six and finished about seven o'clock, or a very little after it. In this case I took a shorthand note of the evidence. I only read over my notes to the people who have given evidence in a case where there is reason to believe a criminal verdict may be returned. By a criminal verdict I mean murder or manslaughter. I did not read out anything in this case from my shorthand notes to any witnesses. The coroner puts questions to the witnesses and he gets the material to enable him to question the witnesses from the statements received from the police. [Shown exhibit 236.] That was the material he had in this case on which to base his questions. A witness of the

# George Joseph Smith.

Samuel Tudor

name of George Smith was the first witness examined. I took a shorthand note of what he said. [Shown exhibit 171.] These are my original notes. [Shown exhibit 172.] That is an accurate transcript of my notes.

Mr. BODKIN proceeded to read it as follows:—"I reside at 80 Kimberley Road, Portsmouth, and am of independent means—never followed any occupation. I am at present on a visit to Blackpool, staying at No. 16 Regent Road, Blackpool, along with my wife, the deceased Alice Smith, aged twenty-five years. At about 4.30 on Wednesday afternoon, 10th December, 1913, we arrived in Blackpool from Portsmouth. Shortly after we arrived my wife complained of a pain in the head. I took her to Dr. Billing in Church Street, Blackpool. He ascertained her ailment and gave her some medicine. At about five o'clock in the afternoon of yesterday, Friday, 12th December, 1913, she again complained of pains in the head. I took her out for a walk. We went out at about 7.15 and returned at 7.45. She then said she felt much better and that she would have a bath. About a quarter"—(My lord, I might just venture to pause there to point out that that is absolutely word for word Valiant's statement, verbatim, as if that statement was read to the witness, except that the word "yesterday" is substituted for the word "Friday" in Valiant's statement. He took it on the "Friday")—"About a quarter of an hour or twenty minutes afterwards I called out to her to mind and turn the lights out after she had finished. I got no answer and I kept shouting out Alice. Mrs. Crossley the landlady came upstairs, as she thought I was calling her. I opened the door and found my wife underneath the water. I lifted her head up and held it up until the doctor came; then she was lifted out of the bath. The doctor helped me to lift her out. The doctor was there in a few minutes. He examined her and found she was dead. We have only been married six weeks. She was all right in health, but complained of headaches only once or twice whilst travelling. I said when we get there you will have to see a doctor. Generally she enjoyed good health and spirits. I never heard her complain of anything else. I have known her about three months. She was a nurse. (By foreman of jury.) I cannot tell you what happened in the bath. She complained of headache, and I took her out for a walk, and she said she felt all right. She had already made arrangements for a bath. I went downstairs and talked to the landlady on the front. She was a private nurse. She had an operation last March for peritonitis."

By Mr. BODKIN—I have the inquisition here. The coroner signed it himself. The verdict was, "The deceased Alice Smith came to her death at Blackpool aforesaid on the 12th December, 1913. The deceased suffered from heart disease, and was found drowned in a hot bath, probably through being seized with a fit or faint. The cause of death was accidental."

## Evidence for Prosecution.

Samuel Tudor

Cross-examined by Mr. SHEARMAN—The jury took a very intelligent interest in the proceedings and asked several questions.

JOHN HARGREAVES, examined by Mr. TRAVERS HUMPHREY—I am an undertaker carrying on business at Millburn Street, Blackpool. I remember going to the house of Mrs. Crossley, 16 Regent Road, on Saturday, 13th December, 1913. I saw the prisoner there. He asked me if I would undertake the interment of his wife, and I said I would. I saw the body and took some measurements. The size of the body was 5 feet 6, 18 by 12. That represents the inside measurement of the coffin. The deceased would be about 5 feet 6 in height. I did not go into the cost of the coffin and the funeral with the prisoner, but he told me he wanted it done as cheaply as possible. I asked him what sort of grave he wanted his wife buried in and he said he wanted it to be cheap. I then asked him if he wanted a public grave, and he said, "Yes, that will do. A public grave—what they put any one in." A public grave is what they call a poor grave, they put any one in. If a person is buried in a public grave it means that somebody else may be buried there also who is no relation whatever to that person. I also discussed with him the time when the funeral should take place. I told him the Church of England time was three o'clock, and he said he wanted it earlier than that, and he had it at twelve o'clock on Monday. He said he would like it early, he wanted to get it over. At first he wanted it on Sunday, but I told him they did not inter in Blackpool on Sunday. I saw the accused again on the Sunday about half-past ten in the morning. He then asked me if I could arrange to have a private grave, and I said no, not unless he waited another day.

Did he tell you why he had altered his mind and wanted a private grave?—No; he told me her mother had come, and sister, and so he wanted her to be put in a private grave—just a grave for one. When I told him it would mean waiting till Tuesday he said he could not wait, he wanted to get away; so he said, "Put her in that public grave, but don't tell her mother." She was buried in a public grave. The funeral took place about twelve o'clock on the Monday. There were present at the funeral the prisoner, the deceased's mother and brother, Mr. Crossley, and Mrs. Crossley, and myself. After the funeral I was paid by the prisoner £6 3s. 9d. That included everything. I never saw the prisoner again until I saw him in Bow Street Police Station.

Cross-examined by Mr. SHEARMAN—I heard my son giving evidence at Bow Street. I did not hear him saying, "The coffin was 5 feet 6 inches, and it would follow from that that her height would be about 5 feet—6 inches less than the coffin." The deceased might have been 5 feet 4 inches. I never had any discussion with the prisoner about putting up a monumental headstone, because

## George Joseph Smith.

John Hargreaves

you could not do that on a public grave. I am quite certain about it.

FREDERICK HARGREAVES, examined by Mr. WHITELEY—I am an undertaker at Millburn Street, Blackpool, along with my father. I remember the funeral of Mrs. Smith in December, 1913. I attended the funeral on Monday the 15th. I went to Blackpool cemetery on the 9th of February of this year. I saw a coffin disinterred there. I remember the grave out of which it was taken. There was a name-plate on the coffin, and the name-plate bore the name "Alice Smith." That coffin was supplied by our firm.

GEORGE FRANCIS, examined by Mr. BODKIN—I am a clerk to Messrs. Kingsbury & Turner, solicitors, 369 Brixton Road. [Shown exhibit 194.] I recognise that document. I, on behalf of my principals, assisted in proving that will. It was brought to our firm on the 18th of December. The prisoner was a stranger to me. Exhibit No. 206 is the document I prepared; it is in my handwriting. The gross amount of the estate is sworn at £604, which is made up of "Cash in the house, £104," and "Policy of insurance in the North British & Mercantile Company for £500, No. 21277, 10th December, 1913." Duty would be payable on the net value of the estate, but there were certain deductions from the £604. The first deduction was doctor's fee, 5s., then John Hargreaves, Millburn Street, £6 3s. 9d., and, deducting the one from the other the net amount is £597 11s. 3d. The duty amounted to £11 19s. 1d. I did not have any conversation with the prisoner about the cash in the house. I took all my instructions from Mr. Kingsbury. He is at present in the Army. Probate was granted to the prisoner on 29th December. He came for it, and there was also given him the life policy on Mrs. Smith's life.

JOHN HALDMAN ROBBINS, examined by Mr. WHITELEY—I reside at 11 Highview Road, Upper Norwood. I am a clerk in the North British and Mercantile Company. I am in charge of the new life section. Mr. Pleasance is our Portsmouth agent. [Shown exhibit 8.] That is a proposal for the purchase of an annuity, signed "George Joseph Smith." [Shown exhibit 201.] That is the annuity bond which was issued, price £1300, and the annuity £76 1s. I had to do with the issuing of an endowed policy on the life of Miss Burnham. The number of that policy was 212777. I remember getting a notification of her death. [Shown exhibit 208.] That is a letter dated 5th January, 1914—

26 High Street, Cheltenham. Dear Sir—Please forward to the above address the usual papers for me to fill up for settlement referring to policy

## Evidence for Prosecution.

John H. Robbins

No. 212,777, which I placed in your office, December 31st, 1913, relating to my wife, Alice Smith, Yours truly, G. J. Smith.

It is addressed to my company. In the same month I had a communication from Messrs. Heath & Eckersall, a firm of solicitors in Cheltenham sending me an application for the payment of the amount of that policy. I received exhibit 210, which is the death certificate, from the solicitors, Messrs. Heath & Eckersall. On the 15th of January, 1914, I got the letter (exhibit 211) signed "George Joseph Smith"—

226 High Street, Cheltenham, 15th January, 1914. Gentlemen—I hereby authorise and request you to forward the sum of £506, payable to me under Policy No. P. 212,777, to Lloyds' Bank, Ltd., Cheltenham, for the credit of the account. (Signed) George Joseph Smith.

A cheque for £506 was sent to that bank on the 17th of January. I got the receipt (exhibit 212), which is in the following terms:—

I, the undersigned George Joseph Smith, as Executor of the Will of the above-named assured, hereby acknowledge to have received from the North British and Mercantile Insurance Company the sum of £506, being the amount as shown on margin hereof payable under the above-mentioned policy, which is delivered up to the said Company, finally cancelled and discharged.

£500 was the original sum assured, and there was a bonus of £6. Exhibit 213 is the acknowledgment from Lloyds' Bank at Cheltenham, and it is in the following terms:—

I beg to acknowledge the receipt of your letter of the 17th inst. enclosing cheque, £506 for the credit of Mr. G. J. Smith.

I remember getting a letter the next day, on the 20th of January (exhibit 214), from George Joseph Smith, which reads as follows:—

226 High Street, Cheltenham, 20th January, 1914. With reference to annuity, Gentlemen, I am prepared to purchase a further annuity with your Company for £500 on condition that you will cancel the previous arrangement wherein you were to forward my half-yearly payments to Lloyds' Bank, Landport, but forward such payments to Lloyds' Bank, Limited, Cheltenham, until further orders. I desire also to receive the half-yearly payments from this further annuity same as the latter, therefore after my application is officially accepted, please send me the usual form to fill up for me to state on same that I shall have money sent as stated above. Kindly send me form of application. There will be no agents to pay in this matter. Yours faithfully, George Joseph Smith.

I produce exhibit 215, which is my reply—

Dear Sir—I am favoured with your letter of the 20th instant, and have pleasure in informing you that as you have now passed your forty-second birthday the sum of £500 will provide for a further annuity of £29 9s 2d.,



# George Joseph Smith.

John H. Robbins

payable by half-yearly instalments without a proportion to actual day of death. I enclose for completion a form of proposal partially filled in from your previous one, and also a form of authority for payment of the instalments to your bankers. Kindly add your permanent address in each case. We have taken steps to forward the instalments under your previous annuity to the Cheltenham branch of Lloyds' Bank. We can, if you wish, make the instalments under the further annuity payable on the 9th of April and October, and in that case a proportionate amount calculated from the date on which we received the purchase money will be payable on 9th April next. Yours faithfully, ——— (Manager).

Mr. SHEARMAN—My lord, there is no cross-examination about these letters; if it will save time, my friend can put in the documents. It is purely formal.

Mr. JUSTICE SCRUTTON—You follow, gentlemen, the prisoner in October, 1913, has told Pleasance that, after his birthday in November he will have £400 or £500 to invest in a further annuity, and on the arrival of his birthday he has £400 or £500 to invest, and the amount he has to invest is the amount of the insurance money on the death of his wife.

*Examination resumed*—Exhibit 216 is the proposal form signed by George Joseph Smith for a further annuity. The principal sum to be purchased is £500, and the amount of the annuity is £29, and the declaration is filled up by him. Exhibit 217 is his letter from Cheltenham on 22nd January—

Gentlemen—I herewith enclose bank draft value £500, and have filled up forms from you this morning for purchase of further annuity £500, payable according to same. Please make the instalments under the further annuity payable on the 9th April and October, and in that case a proportionate amount, calculated from the date on which you receive the purchase money payable on the 9th April next. *P.S.*—I want to fill up form if necessary to be free from income tax. I have never paid income tax, as my income is under £150 per annum. Yours faithfully, G. J. Smith.

We then received a request from him (exhibit 218) asking us to pay the money to Lloyds' Bank, Cheltenham. On the 23rd January I wrote a letter acknowledging receipt of the document and enclosing receipt for the bank draft. On the 30th January I wrote (exhibit 220) enclosing the annuity bond for £500. Exhibit 221 is the annuity bond, and exhibit 222 is the envelope. On the 31st January I got exhibit 223, which is the receipt for the annuity bond from the prisoner. Exhibit 224 is a receipt for the sum of £1300. Exhibit 225 is a receipt for the £500. Those relate to the two annuity bonds. On the 12th May, 1914, I got exhibit 226, which reads as follows:—

11 Ashley Road, Boscombe, Bournemouth, May 12th, 1914. Gentlemen—I made application to insure my life in the General Assurance Company, Fleet Street, but the Company's two doctors refused me after examining

## Evidence for Prosecution.

John H. Robbins

me. The amount was for £600 on my life. Please let me know at your earliest if it is possible for me to redeem the £1800 I paid into your Company; if so, the exact amount of cash I shall have to redeem. Yours truly, G. J. Smith.

The answer of my company is contained in exhibit 227—

Dear Sir—I am in receipt of your letter of the 12th instant. If your wish is that the above annuities be cancelled and a return be made to you in respect of the purchase price, I regret to say that it is a matter to which we should be unable to agree, and that the annuities will require to run their natural course. Yours faithfully (———), Manager.

Then, on the 30th January, 1914, we got exhibit 228—

226 High Street, Cheltenham. Gentlemen—Mr. Pleasance of Southsea, which is one of your Inspectors, promised me one-half of the commission which he would receive on my wife taking out a policy, but now refuses to do so although my solicitor has twice written him for that amount promised. Another thing, he got me to become an agent of your Company *after* my wife had taken out the Policy, thus in consequence of such treatment I returned him *all* the agent's papers. I declined to continue as agent for the same. It is not altogether the small amount, £2 10, which he promised but the very bad principal. I trust as one of your clients that you will give me the satisfaction of having a line from you saying that you have communicated with Mr. Pleasance informing him of this report against him. Yours faithfully, G. J. Smith.

My firm answered on the 2nd February (exhibit 229)—

Dear Sir—I am in receipt of your letter of 30th ulto. regarding your claim on Mr. Pleasance for one-half of the commission payable in receipt of the above policy, and I am mentioning the matter to him. So far as I can see, however, it is purely a personal matter and not one in which I should interfere. But I am astonished that, having regard to the fact that the above policy became a claim about a week after the assurance was granted, and that we have paid you the full sum assured of £500 and a bonus of £6, you should now raise the question of a paltry sum of £2 10s. which you say was promised by our Inspector out of his commission.

The total amount of the two annuities would be £105 10s. a year.

FREDERICK WEBSTER COZENS, examined by Mr. BODKIN—I am a clerk at the London County and Westminster Bank at Brixton. I produce exhibit 237. That is a certified extract of the account of George Joseph Smith at that branch, and is certified correct by the manager. That shows that George Joseph Smith opened an account with the Brixton branch of the London County and Westminster Bank on the 29th December, 1913, with the payment in of £255 in cash. It was all in bank notes. Two of those bank notes were for £50

# George Joseph Smith.

Frederick W. Cozens

each, and were numbered 48287 and 48288. Looking on the other side of the account, there was a payment to Kingsbury of £5 13s. 7d. Then, 2nd January, £49 6s. 5d., and 6th January, £199 19s. 7d., transferred to Lloyds' Bank at Cheltenham.

PERCY RUFFETT, recalled, examined by Mr. BODKIN—I have been to No. 16 Regent Road, Blackpool. I prepared a plan of the ground floor and the first floor of that house. On the ground floor there is a sitting room in front and then another room, and then there comes the kitchen. You then go up one flight of stairs and find yourself on a sort of landing. There is a passage there which leads to the front of the house. I have shown accurately on the plan the position of the bathroom. The distance from the door of the bed-sitting room to the door of the bathroom is, roughly, about 20 feet. That includes going along the passage and down the stairs and up the other two. The bathroom is exactly over the kitchen, but the kitchen being larger than the bathroom, the bathroom does not extend over the kitchen. The bath is fixed in the corner to the right hand as you go in through the door. It was in its position when I saw it enclosed in a wooden casing. I was able to get round the head of the bath. The space between the wall on that side and the head of the bath is 2 feet 11 inches.

Cross-examined by Mr. SHEARMAN—The height of the kitchen from the floor to the ceiling is 9 feet 2 inches, and the thickness of the bathroom floor and kitchen ceiling is 10 inches. I was accompanied by Inspector Neil when I made the plans.

Mrs. HARRIET SMITH, examined by Mr. BODKIN—I live at Dalkeith House, 4 Stanley Road, Bath, and let apartments there. I recognise the prisoner as a man who took a bedroom from me at 10s. a week on 8th December, 1914. He gave the name of Lloyd, and was a stranger to me. He had a portmanteau with him. After he had been there for some days he spoke about another room for a lady friend, and on 15th December a lady came and occupied a bedroom. She had a small suit-case with her. She took her meals in a sitting room which they had the use of. The two of them left my house together on 17th December. Nothing at all was said by either of them about their going to be married. They took their belongings with them, and I never saw them again until I saw the prisoner at Bow Street. Exhibit 261 is a photograph of the lady.

WILLIAM CYRIL WINCKWORTH, examined by Mr. BODKIN—I am deputy superintendent registrar of marriages for the district of Bath. A notice of marriage was given by John Lloyd on 15th December, 1914. In that notice he is described as "John Lloyd, bachelor, land agent, thirty-eight years of age," and the other party, "Margaret Elizabeth Loffy, spinster, thirty-eight years of age, both living at

The address I gave to the Bank in the first place - was as stated 16 Orchard St. where I had previous of taking the rooms which is a ~~prope~~ proof I intended having those rooms on which I paid a deposit of 6/- Now then if I had intended to take the life of Miss Lofty, would I have taken rooms in the house where there were several German or foreign women? - I could hardly understand them nor could they hardly understand me -

Besides as the woman has already stated she the landlady would have to bring up the hot water herself.

If I had evil intentions would I have not become suspicious of these foreign women. I selected some house where I could do as I liked etc.

## Evidence for Prosecution.

William C. Winckworth

Dalkeith House, Stanley Road, Bath." I recognise the prisoner as the man who gave that notice. A marriage by licence was solemnised at the registry office on 17th December. In the extract from the register (exhibit 2) the husband is described as "John Lloyd, bachelor, land agent; father's name, John Arthur Lloyd, deceased; rank of father, land agent," and the wife is described as "Margaret Elizabeth Loft, thirty-eight years of age, spinster, Dalkeith House, 4 Stanley Road, Bath; father's name and surname, Fitzroy Fuller Loft, deceased, clerk in Holy Orders."

Mrs. EMMA HEISS, examined by Mr. HUMPHREYS—I am the wife of Joseph Heiss, and I live at 16 Orchard Road, Highgate. My landlady there is Miss Lokker, and when she is out I sometimes look after the letting of rooms in that house for her. On Monday, 14th December last, I was at home in the afternoon, and Miss Lokker was out. There was a card in the window at that time showing that there were apartments to let. A man came to the door shortly after two that afternoon. I recognise the prisoner as the man. He said that he wanted a bedroom and a sitting room for himself and his wife. I showed him a bedroom on the first floor. He asked if there was a bathroom, and I told him there was, and showed it to him.

What did he say when you showed him the bathroom?—He saw the bath was a small bath. He looked at it very much, and then he said, "I daresay it is large enough for some one to lie in." I told him there was no hot water laid on, but that he could get some. I then showed him the sitting room, but he did not say anything about it. I arranged the price of the rooms with him—I think it was 16s. or 18s. a week. He paid a deposit of 6s., and said he would come on the following Thursday, giving the name "Lloyd." I asked him for a reference, and he said that ready money would be reference enough. I gave him a receipt for 6s. When Miss Lokker came home later on in the afternoon I told her about the man who had called. He came along with a lady about three o'clock on the Thursday. They brought with them a hold-all and a case—a gladstone bag, I believe it was. I did not speak to him, but I heard him tell the man who opened the door—another lodger—that he had come to occupy the rooms which he had engaged on the Monday. The lodger who opened the door said that he could not occupy the rooms now, as they were not ready, and asked him to come back at six o'clock. He went away, but he seemed rather annoyed. The luggage which they brought was left in the hall. He came back alone about 5.30. He knocked at the door several times, but nobody answered, and he went away again. He returned shortly after six, and the door was opened by Mr. Dennison, a police officer, who was a friend of Miss Lokker, and who was in the house.

Cross-examined by Mr. SHEARMAN—You did not want to let

## George Joseph Smith.

Emma Heiss

the rooms to him because you did not get a reference. Is that it?—Yes, he did not give a reference.

Although he offered ready money, you wanted a reference?—We did not like his manner at all.

That was because you did not get a reference?—That was against the man, but we did not like his behaviour.

When did you first begin to dislike his behaviour?—I did not like it from the first.

If you did not like his appearance, why did you tell him to come back next day?—We could not write to him—he did not give any reference.

I put it to you the real reason was that he did not give a reference?—It was, partly.

Do many people ask if there is a bath in the house when they come to your house about rooms?—Yes.

Most people ask?—Yes.

ADA ANNIE LOKKER, examined by Mr. WHITELEY—I am a single woman, and live at 16 Orchard Road, Highgate.

Cross-examined by Mr. SHEARMAN—I had some trouble before about a lodger who did not give a reference. My servant, Heiss, reported to me that the prisoner would not give a reference, and so the rooms were not let.

ISAAC DENNISON, examined by Mr. WHITELEY—I am a detective-sergeant of the Y Division, Metropolitan Police. I know Miss Lokker who keeps the house at 16 Orchard Road, Highgate. I got a message on 14th December from her, which caused me to go to her house on 17th December. I arrived there about 2.30 in the afternoon, and left and came back again about six in the evening. About that time the prisoner came to the door with a lady. I said to him, "Your name is Lloyd?" and he said "Yes." I then said, "You cannot have the rooms here because you cannot furnish any reference." He replied that he took the rooms on Monday and paid a deposit. I said, "As you cannot furnish any reference you are not a desirable lodger." He said "This is a funny kind of house, I want my deposit back." Mrs. Heiss then came forward and gave him the deposit of 6s. which he had paid. He gave a receipt. I saw the luggage, which was in the hall at the time—the gladstone bag and the hold-all (exhibits 37 and 43). The prisoner and the lady went away, taking the luggage with them. The distance between 16 Orchard Road and 14 Bismarck Road is just over half a mile. These two houses are very similar. Dr. Bates' surgery is practically halfway between the two houses.

ARTHUR GRIFFITH LEWIS, examined by Mr. BODKIN—I am a

## Evidence for Prosecution.

Arthur G. Lewis

solicitor practising at 84 High Street, Islington. I remember a woman coming to consult me about four o'clock in the afternoon of 18th December last. She was a stranger to me and she gave the name of Mrs. Lloyd, Bismarck Road, Holloway. In consequence of some instructions that she gave me I drew up the will (exhibit 34) and she executed it in the presence of myself and my clerk. It is as follows:—

This is the last Will and Testament of me Margaret Elizabeth Lloyd of Melrose, 14 Bismarck Road, Highgate Hill, London N., the wife of John Lloyd of the same address whereby I revoke all Wills and Testamentary dispositions heretofore made by me and declare this to be my last Will and Testament. I give devise and bequeath unto my said husband John Lloyd all my property whatsoever and wheresoever situate absolutely, and appoint him sole executor of this my Will, As Witness my hand this 18th day of December in the year of our Lord 1914.

She took the will away with her and I never saw her again. 84 High Street is about a mile and a half distant from Highgate.

PERCY RUFFETT (recalled), further examined by Mr. BODKIN—I went to 14 Bismarck Road, Highgate Hill, London, and made a plan of the house (exhibits 20, 21, and 22). The house has a ground floor, first floor, and some attics, and there is a back addition. It is built up against a bank, which accounts for the stairs at the end of the ground floor plan. Downstairs on the ground floor there is a front sitting room looking out over the street. The kitchen is the next room, but one behind that. On the front floor there are a front bedroom and another room, and then a bathroom, and then a back room. From the front bedroom to get to the bathroom one has to go along the passage and down three steps, and then one is on a little sort of landing just at the top of the stairs from the front hall. Opposite the top of those stairs there is the door into the bathroom. It is a bathroom and w.c. combined. The bathroom is above part of the kitchen. The length of the bathroom is 5 feet 7½ inches, running with the bath. The w.c. end is 5 feet 1½ inches, and crossways it is 5 feet 5 inches. The bath is fitted into the angle of the two walls. When I saw it it was enclosed in a casing, and with a wooden top shaped to the curves of the bath.

Cross-examined by Mr. SHEARMAN—The bath is over the space occupied by the kitchen. The height of the kitchen is 7 feet 10 inches. It has a joist ceiling.

Re-examined by Mr. BODKIN—The joists are not visible. Exhibit 23 is the bath from that house.

ARTHUR NEIL (recalled), further examined by Mr. BODKIN—I am detective-inspector of the Y Division. I have seen

## George Joseph Smith.

Arthur Neil

exhibit No. 14, the bath from Herne Bay, and I have taken some measurements of it. The length of the top of the bath, inside measurement, is 5 feet, and of the flat bottom of the bath 3 feet 8 inches, measured up to the point from which the slope begins. The width at the sloping end is 2 feet, and at the bottom of that end it narrows down to 1 foot 6 inches. The width at the top of the foot end is 1 foot 7 inches, and that narrows down at the bottom to 1 foot  $1\frac{1}{2}$  inches. The depth of the bath at the sloping end is 1 foot 4 inches, and at the foot end it is 1 foot  $4\frac{1}{2}$  inches. When filled up to the brim it holds  $58\frac{1}{2}$  gallons. When it is half-full, that would give a depth of water of about 8 inches, because the bottom is a little on the slope. By "half-full" I mean the water half-way up the sides. When the water is three-quarters of the way up there would be 41 gallons in the bath. I have been to 80 High Street, Herne Bay, and I examined the copper there. The capacity of the copper is 7 gallons. There is a very small boiler in the kitchen range, holding about a gallon, and with a very slow-running tap in front. I saw a bucket there which would contain about 2 gallons. In order to fill the bath half-way up, it would have required just over twelve journeys with that bucket, and to fill it three parts up it would have required over twenty journeys. As a matter of fact, it takes a minute and a half to fill the bucket, and two minutes to go upstairs to empty it, and come downstairs. It takes thirty-five minutes to light and heat the copper to get the water up to boiling heat.

I also went to 16 Regent Road, Blackpool. I saw there the bath (exhibit 177). In the bathroom in which that bath was there was hot and cold water laid on. I took measurements of the bath. I found the length of the top inside to be 5 feet 3 inches, and at the bottom, from where the slope ends to the front end of the bath, 3 feet 9 inches. The width at the top of the sloping end is 2 feet 3 inches, and it narrows down to 1 foot 2 inches. The width at the top of the foot end is 1 foot  $3\frac{1}{2}$  inches, and it narrows down to 12 inches at the bottom. The depth at about the centre of the bath is 18 inches.

I have also seen and taken measurements of exhibit 23, the Bismarck Road bath. The inside length of that bath is 5 feet 6 inches, and at the bottom where the slope ends the length is 4 feet 2 inches. The width at the top of the bath is 2 feet  $1\frac{1}{2}$  inches, and at the bottom 1 foot 6 inches. The width at the top of the foot end is 1 foot 6 inches, narrowing to  $11\frac{1}{2}$  inches at the bottom. The head of the bath was pushed right into the wall, and we had to tear the wall away to get it out. When I saw it the bath had a wooden top, shaped to the curves of the bath. It overhung the bath itself by 5 inches at the head end and  $2\frac{1}{2}$  inches at the bottom end. In that house the water circulates through the kitchen boiler and goes into a sort of storage tank over the bath, which



## Evidence for Prosecution.

Arthur Neil

has a capacity of 25 gallons. After exhausting the 25 gallons of hot water, the water would then run in cold. Exhibit 50 is the lid of the bath. I have been into the kitchen at 14 Bismarck Road. I was able in it to quite clearly hear sounds from the bathroom above, such as the pouring and splashing of water, and the rubbing against the bath.

Cross-examined by Mr. SHEARMAN—I have been inside the bathroom at 16 Regent Road, Blackpool. There the distance is greater and you could only hear the noise provided you were listening carefully for it. At Blackpool, as at the other place, the floor is a wooden floor. At Blackpool the bath was resting on blocks of wood. There was a lot of dirty mortar under the bath, but no carpet.

Re-examined by Mr. BODKIN—On 22nd March I examined the fastening of the bathroom door in the house at Bismarck Road. It is a latch lock. The hasp was slightly loose, but there was no difficulty in fastening it, and it could not be opened after it was fastened. It is one of those locks with a bolt in it, and it goes into its shoot hole all right. [The lock (exhibit 27) handed to the jury.]

Mr. JUSTICE SHEARMAN—Gentlemen, you will have to consider this. This is the second lady who was a stranger in the house who has a bath with the door unlocked.

The Court adjourned.

## Sixth Day—Monday, 28th June, 1915.

ETHEL SUSAN LOFTY, examined by Mr. HUMPHREYS—I reside at 18 Woodstock Avenue, Redland, Bristol. I am known as Elsie. Margaret Elizabeth Lofty was my sister. Her age was thirty-eight last year. I have lived at home with my mother for about five years. My sister Margaret did not live at home until July. She used to take positions as ladies' companion in Bristol. Her last engagement finished in July, and from that date until late in December she lived at home. She had quite good health. I did not notice anything the matter with her in December, except that she was brighter and seemed happier. I last saw my sister on the 15th December. She left home that day about half-past one, saying she was going out to tea. I had no idea that she was leaving home except to go out to tea. I had no idea that she was engaged to be married at that time. I did not know anything of a man named Lloyd. I did not know the prisoner under that name or any other at that time. I knew that my sister had some savings in the Post Office Savings Bank. After my sister left home on 15th December the next thing I knew about her was when I got a letter. [Shown exhibits 25 and 26.] Exhibit 25 is the envelope in which exhibit 26 was sent to me. It was from Upper Holloway, and is dated 17th December. That letter is my sister's handwriting. [Shown exhibit 24.] I have seen that document before. It appears to be a copy of the letter (exhibit No. 26). In Exhibit 26 the address is 14 Bismarck Road. There is an alteration in the latter half of "Bismarck." I do not know how it read before it was altered because it is all rubbed out. I did not know anything about Bismarck Road, Archway Road, Highgate. I never knew of my sister whilst she was living at home going to stay in that part of London. Having got that letter I sent it on to Mr. Kilvington, a solicitor, who was a relative of ours. I did not know that my sister had insured her life.

Cross-examined by Mr. MARSHALL HALL—I said before the magistrates that my sister was usually depressed.

EMILY MARION LOFTY, examined by Mr. HUMPHREYS—I live with my mother and sister at 19 Woodstock Avenue, Redland, Bristol. On the 4th February I came to London to go to the mortuary at Friern Barnet. I there saw the body of my sister, Margaret Elizabeth Lofty. [Shown exhibit No. 34.] The signature of that will is in my sister's handwriting. The entry of a marriage in the register purporting to be between Margaret



**Margaret Elizabeth Lofty.**

## Evidence for Prosecution.

Emily Marion Lofty

Elizabeth Lofty and John Lloyd also contains my sister's signature. [Shown exhibit No. 37.] That is a hold-all. I saw the contents of that hold-all at the Police Court. They consisted of a number of articles of dress, including a dressing-jacket, costumes, and linen. I recognise these as the property of my sister. I do not recognise the hold-all. [Shown exhibit No. 28.] That document has a signature purporting to be my sister's signature. It is in her handwriting. [Shown exhibit No. 38.] That document purports to be my sister's signature. It also is in her handwriting. Exhibits 32, 39, 107, and 108 also purport to bear my sister's signature. They are all in her handwriting. The Post Office Savings Bank book (exhibit 30) is also signed by my sister. Exhibit No 29, which is a receipt for money drawn out from the post office, is in my sister's handwriting.

Dr. GEORGE HENRY BARKER, examined by Mr. BODKIN—I am a medical man practising at 124 Redland Road, Bristol. I act as medical examiner for the Yorkshire Insurance Company. It is my duty to examine persons proposing to insure in that company. On the 29th November, 1914, I made an examination of a lady giving the name of Margaret Elizabeth Lofty. It was my duty to examine her and make out a medical report. [Shown exhibit No. 28.]. The answers to the particular questions in that document are in my handwriting. I made these entries at the time. The deceased appeared to me to be a perfectly healthy woman. From an insurance point of view I should class her as a first-class life, and assurable at ordinary rates. That report goes into questions as to the heart and as to the structure of the body generally. I formed the opinion that her height was about 5 feet 3 inches, and her weight 8 stones 12 lbs. She signed the certificate on the earlier part of exhibit No. 28.

THOMAS RAYNER COOPER, examined by Mr. BODKIN—I am joint manager to the Yorkshire Insurance Company, 4 St. Stephen's Avenue, Bristol. I remember dealing with a proposal at my office by a person named Margaret Elizabeth Lofty. Exhibit No. 38 is a document bearing the date 25th November, 1914. It is a proposal form. I recognise the handwriting of some of the answers. It is our chief clerk's. The other answers are in a different handwriting. I know Dr. Barker. The proposer named in the proposal form was sent to him for examination. That is the usual course. It is a proposal for a policy of £700, an endowment policy payable at sixty-five, or in the event of death, at death, and the annual premium is £24 12s. 4d. at this age. The policy (exhibit No. 40) was issued to the proposer for that amount. I got exhibit No. 39, which is the receipt for that policy, and it bears the date, 11th December, 1914. The premium

## George Joseph Smith.

Thomas R. Cooper

was paid on the 4th December. She paid it personally in £1 Treasury notes. The notes were new notes. Later on we received a notification of the death through our London office. The money under that policy has not been paid.

Cross-examined by Mr. MARSHALL HALL—This was a £700 (without profits) endowment insurance. If it had been a whole life policy, the rate per £100 would have been £2 12s. 11d. against £3 10s. 4d., a saving of about £7.

LOUISA BLATCH, examined by Mr. BODKIN—I reside at 14 Bismarck Road, Highgate. That is a house which I let in apartments. I recognise the prisoner. I first saw him on 17th December, 1914. I first saw him about five o'clock in the day at my house. There was a lady with him. They came to ask if I had a room to let. I had a room to let on the second floor furnished as a bedroom. I took them up to see it. The price of that room was 7s. a week with the use of the sitting room. The sitting room is on the ground floor in the front of the house. As we were coming down the stairs Mrs. Lloyd said to me, "Have you got a bath?" and I said, "Yes, there it is," pointing to the bath. When we were downstairs in the sitting-room they paid 7s. for the first week and 2s. 6d. for some extras. They did not have much luggage with them at that time; they might have had a handbag or something of that kind. Mrs. Lloyd remained in the house and Mr. Lloyd said he was going to fetch the luggage. I gave Mrs. Lloyd some tea. I gave the prisoner a latch key for the front door before he went out. I do not remember when he came back. Later on in the evening I remember seeing Mrs. Lloyd putting her outdoor things on again. As they were going out she said, "He wants me to go out with him a little while." I do not remember hearing them coming in again that night. Next morning I saw to their breakfast in the sitting room. Mrs. Lloyd was not there at the time. I took in breakfast for the two of them into the sitting room. I did not take Mrs. Lloyd's breakfast upstairs. I cannot tell whether she had her breakfast. The prisoner told me that morning that Mrs. Lloyd was not feeling very well. When Mrs. Lloyd came down I asked her how she felt, but she did not answer. The prisoner said, "She is better. She is very well now except for a little headache." They went out that morning and returned about one o'clock. It was part of our arrangement that I was to cook the food which they procured. They brought in some fish and I cooked it. After they had their mid-day meal they went out again. Mrs. Lloyd before she went out asked me if she could have a bath. I cannot remember whether the prisoner was present or not. They went out after that. It was just getting dark when they came back. It would be about four o'clock. They were both in about that time, but I cannot

## Evidence for Prosecution.

Louisa Blatch

say whether they came in together. I provided tea for them. They stayed in for the evening. About half-past seven I went to the sitting room and told Mrs. Lloyd her bath was ready. I had got the water hot and put towels and soap in the bathroom. I heated the water on the kitchen stove. Mrs. Lloyd said in answer "Very well," or "Thank you." Mr. Lloyd was also in the sitting room at the time. I said to her, "You will take your own candle." After I had told Mrs. Lloyd that I went to the kitchen. When I was in the kitchen I heard some one go upstairs. The stairs were covered with carpet, and the first landing is covered with floorcloth with mats at the doors. The upper flight of stairs is covered with floorcloth without a carpet. The bathroom is covered with floorcloth also. There was one mat in the bathroom. I was ironing in the kitchen when I heard some one going upstairs. A few minutes after that I heard a sound from the bathroom. It was a sound of splashing. Then there was a noise as of some one putting wet hands or arms on the side of the bath, and then a sigh. The splashing and the hands on the bath occurred at the same time. The sigh was the last I heard. The next sound I heard was some one playing the organ in the sitting room. It was only a few minutes after I heard the last sound in the bathroom that I heard the organ playing. I was in the kitchen and scullery all that time. I do not remember going out of the kitchen at all during that time, but I may have done so, to answer the door. I have no recollection of any one going to the door. I should say the organ playing went on for about ten minutes. The next sound I heard was the front door slam. I then heard the front door bell. I went to the door and I found Mr. Lloyd at the door. He said, "I forgot I had a key." He also said, "I have been for some tomatoes for Mrs. Lloyd's supper." He then said, "Is she down yet?" I told him I had not seen her. He had a paper bag in his hand. He said he would go up and ask if she would like them. I saw him go upstairs and I heard him call some name. He would be perhaps half-way up the stairs when he called up. I was standing at the bottom of the stairs. He then said, "My God, there is no answer." I do not remember what I said. He called again. I then said, "Perhaps she has gone to her bedroom." He had got to the top of the stairs by that time and was just outside the bathroom door. There was no light on the landing outside the bathroom door. I could not see the bathroom door from the hall at the foot of the stairs. You can see the bathroom door from the hall during the day, or if there is a light. The prisoner then said, "There is no light." Just after that he called out to me, "She is in the bath. Come and help me." I was at the bottom of the stairs. I said, "I cannot come, Mr. Lloyd." I rushed upstairs to another gentleman I thought was in the house, another lodger of mine. When I went

## George Joseph Smith.

Louisa Blatch

up to call the other gentleman I passed the bathroom door. I did not notice whether it was open or shut. I cannot say where the prisoner was standing at that time. I did not find the gentleman I went for. I then went to the room door. The prisoner called out again, "Don't leave me alone. Come and help me," and I went into the bathroom. There was a light in the bathroom. The bathroom door was wide open. The prisoner was just inside the bathroom. I said I would go for a doctor and the policeman. I did not notice whether there was any water in the bath or not. As I passed the bathroom door to fetch the other lodger the prisoner called out to me, "Shall I let the water off?" and I said, "Certainly, let it off at once." When I got into the bathroom the prisoner had Mrs. Lloyd in his arms. He was holding her up over the bath. Her legs were in the bath still. I felt her arm, and it was cold. I then said I would go for a doctor and a policeman. He said he would go, but I said I would go myself. He then said, "Fetch Dr. Bates. I took her to him last night." The policeman I first spoke to was Constable Heath, and I then went on to Dr. Bates. The doctor followed me back to the house. After the doctor and the policeman had gone I asked the prisoner whether he would like somebody to see to Mrs. Lloyd, and he said, "No." I thought he misunderstood me, and I asked him again, and he said, "No, the doctor has done everything that is necessary." The bathroom door is fastened by a bolt. There was nothing the matter with the bolt when the Lloyds were staying with me. The place is used as a lavatory as well as a bathroom. I used the bolt myself after this occurrence. It was in good order just as it was before except that the hasp was a little loose. That Friday evening, the 18th, I had an accident to my knee which kept me indoors for some days. I believe the body of Mrs. Lloyd remained that Friday night in the bedroom. I did not see it there because I could not get upstairs. As far as I know the prisoner remained in my house that night. He slept in the sitting room on the ground floor. I did not know what he was doing that evening or that night after the policeman had gone. I took him some cocoa between ten and eleven that night. The prisoner remained in my house up to the following Wednesday. Mrs. Lloyd's body was taken away on the Saturday morning. I learned of the inquest on Tuesday, 22nd. I was unable to go to it. I was informed that the inquest was adjourned for me to be there. On the day of the funeral the prisoner told me he was going on a cycling tour, and that he would be back for the inquest. The inquest was adjourned until the 1st of January. Mrs. Lloyd's things were left in the room. After the body was removed the prisoner still continued to occupy the sitting room. Mrs. Lloyd's things were left upstairs in the bedroom. On the morning of 1st January the prisoner called on

## Evidence for Prosecution.

Louisa Blatch

me, and we went together to the adjourned inquest. He remained with me after the inquest. He took Mrs. Lloyd's things away. After the prisoner left my house I gave away some of Mrs. Lloyd's things that were still in the house. I have since got them back. The prisoner parted with me at my house after the adjourned inquest on the 1st January. I never saw him again until I saw him in Court in custody. Mrs. Lloyd seemed to be quite cheerful and happy while she was with me. From an article of hers I saw, I saw she was either in, or had recently been in, a period. It was not a diaper, but a pair of combinations. I saw it in the bag, which was left behind. I have been twelve months in that house. During that time nothing has been done to the lock of the bathroom.

Cross-examined by Mr. MARSHALL HALL—The bolt which fastens the door is a bolt which works from the box of the lock. If the staple was not exactly true with the door anybody might push that and think they had bolted the door and not bolt it. I have never found on going to the door that I had not bolted it. The bedroom I had to let was on the second floor. The bathroom is on the first floor. The sitting room is on the ground floor. The organ is in the sitting room on the ground floor. It was at half-past seven I told her the bath was ready. The time that would elapse between the time when I told her the bath was ready and when I saw her in the bath would be about three-quarters of an hour or thirty-five minutes. I gave evidence before the coroner. I was a fortnight in bed with a bad knee. The evidence I gave before the coroner will probably be accurate. When I informed her that the bath was ready at half-past seven she was kneeling in front of the fire. I believe the prisoner had a paper in his hand. I said before the coroner that I afterwards heard her go upstairs. That was my impression then; I heard some one go up. About three or four minutes would elapse between half-past seven, when I left the room, and the time I heard some one go up the stairs. I did not take notice whether the steps went as far as the bedroom or only as far as the bathroom. I had heated the water for the bath, but had not put it into the bath. I could not say how many minutes elapsed between hearing this person go upstairs and hearing the water running into the bath. I cannot give any idea how long elapsed. I should say about ten or twelve minutes elapsed between the turning on of the water and the beginning of the playing of the harmonium. I do not think if two people had gone upstairs one could say definitely that two people did go up. I cannot say whether it was two or one went upstairs. I heard some one go up. The harmonium continued playing about ten minutes. It was between the time I heard some one go upstairs and the organ being played that I heard sounds of splashing as of somebody having a bath. There was nobody else in the house.

Assuming the prisoner played the organ, then from the time



## George Joseph Smith.

Louisa Blatch

they went upstairs to his coming down and playing the organ, at most ten or twelve minutes elapsed?—Yes.

So that if in fact he did murder this woman in that ten or twelve minutes, she must have undressed, turned on the water, and he must have drowned her?—I heard sounds during that time.

We know after that time somebody who must have been present was playing the organ?—Yes.

You are quite clear about having heard the noise of splashing, but you paid no attention to it?—No, I did not. I did not mention it to the coroner, because I attached no importance to it. The noise was like a wet hand on the side of the bath. The sigh was a sort of sound like a child might make that was bathing, or a woman might make washing her head. I did not hear the bathroom door shut. After I heard the organ cease I heard the front door slam. About ten minutes after that the front door bell rang, and I went and found the prisoner at the door.

Did any appreciable space of time elapse between the cessation of the music, the organ playing, and the slam of the front door?—No, it was almost simultaneous. The room where the organ was is close to the front door. The impression I got was that it was the same person who had been playing the organ who in fact shut the front door. There was not time between the playing of the organ and the shutting of the door for the prisoner to go upstairs. There was gas in the bathroom, but I told Mrs. Lloyd to use the candle in her room. I have already stated that when the prisoner returned he said, "I forgot I had a key." He said he had got some things for Mrs. Lloyd. He put them down on the table. He then went half-way up the stairs and called, but got no answer. He then made a remark to me, and I said, "Perhaps she has gone to her bedroom."

As a matter of fact, did he not then go straight up to the bedroom? I suggest the prisoner went up first to the bedroom, and then back to the bathroom?—He went to the top of the stairs, and he said, "There is no light." I was at the bottom of the stairs at the time. There was not time for him to go up to the bedroom. I could not say whether there was any light when he called out, "She is in the bath." I was downstairs at the time. He called out, "Come and help me." I said, "I cannot come," and I ran to the door to try and find another lodger who was not in fact in the house at the time. This gentleman did come in after the doctor had been. I do not know whether he went up to the room where the body was. I did not notice how much water there was in the bath. I did not notice whether it was hot or cold. I took hold of the dead woman's arm. I did not know she was dead. Her arm was cold. I did not notice anything lying on the bathroom floor. I was only in the bathroom for a minute, long enough to feel her arm. The prisoner stayed in my house until the funeral. When I hurt my knee he

## Evidence for Prosecution.

Louisa Blatch

came back. I had very little opportunity of seeing the dead woman while she was in my house.

Re-examined by Mr. BODKIN—It was just a minute or two after I announced that the bath was ready that I heard some one go upstairs. I have a striking clock in the house, but I cannot remember hearing it strike eight. I met Constable Heath at Archway Road, at the bottom of Bismarck Road. It would only take me two or three minutes to get there from my house.

By Mr. JUSTICE SCRUTTON—I did not put any hat on before I ran out. I did not look at the time when I saw the prisoner with the body in his arms and the legs in the bath. I hurried downstairs and went straight out of the door down the road. The constable was not the first man I spoke to. I asked a man where Dr. Bates lived. I could not tell whether it was hot or cold water that was being poured into the bath.

By Mr. MARSHALL HALL—I understood you to say you might think you locked the door and not in fact bolt it. You say that never happened to you, and I understood you were going to say it might?—It might do so.

By Mr. BODKIN—Is the bath that was taken away from your house and has been produced here the one that was in use in December of last year?—Yes, that is the one.

STANLEY HEATH, examined by Mr. HUMPHREYS—I am a police constable of the Y Division, Metropolitan Police. On the evening of the 18th December last I was on special patrol duty in Archway Road. While I was in that road Miss Blatch came and spoke to me. I know the house 14 Bismarck Road. I would be about 50 yards from that house when Miss Blatch spoke to me. I went at once to the house. I got there about 8.15. I went alone. The front door was open. I went at once to the bathroom on the first floor. As I went upstairs I saw the prisoner kneeling beside the body of the naked woman that was lying on the floor. The trunk of the body was outside the bathroom, and the lower limbs inside the bathroom. He was working the arms of the woman backwards and forwards. I covered the body with a dressing gown that was hanging on the bathroom door. There were about 6 inches of water in the bath at that time. I felt it, and it was still warm. The plug was drawn, and the water actually running away. I have had training in artificial respiration. I applied artificial respiration until the arrival of the doctor. The body felt cold. The dressing gown was hanging on the side of the door. It was hanging over the door and down the side of the door as though it had been thrown over the top. On arriving at the house I said to the prisoner, "Is she dead?" He replied, "She must have been in the bath for about an hour. She has complained of pains in the head, and has been under the treatment of Dr. Bates." I noticed that there was

## George Joseph Smith.

Stanley Heath

foam issuing from the mouth of the body. When Dr. Bates came he examined the body. I assisted the prisoner to take the body into the bedroom on the second floor. I had to go into the bathroom to apply artificial respiration. The gas was lit. I saw no candle in the bathroom. The floor of the bathroom was very wet. There was a piece of soap and also a towel lying on the floor. I went to the police station and reported the matter. I then went back to the house. The prisoner said something about removing the body. He asked me to call back and let him know about the removal of the body. I went back to the house and told him the body would be removed in due course, and he replied, "Cannot it be removed to-night?" I told him that the removal of the body lay with the coroner's officer, not with me.

Cross-examined by Mr. MARSHALL HALL—There is no partition in the bathroom between the w.c. and the bath. The partition drawn upon the plan is the wooden casing of the bathroom. The bath was wooden cased, and the seat of the w.c. goes right up to the wooden case of the bathroom. There is a small space between the sort of angle of the w.c. seat which runs almost at right angles to the bath. The floor space available inside the bathroom door is about 3 feet 6 inches square, so that a body taken out of the bath could not lie in that square if it was lying fully extended. When I arrived the trunk of the body was outside the bathroom. The bathroom door opens inwards. I did not notice whether there was a peg at the back of the bathroom door on which you could hang a dressing gown.\* In opening the bathroom door with a dressing gown hanging down behind it, as you opened the door you would shut the dressing gown in between the door and the bath. If anybody had wanted that for the purpose of covering the body, he could not lay it on the floor of the bathroom, because it was all wet, nor on the edge of the bath. It would be quite a natural thing to throw it over the door. I applied the Schaffer method of artificial respiration on the stomach, not the movement of the arms. The method that the prisoner was adopting was the movement of the arms. A dressing gown would not be in the way in applying that method. I think I was from ten to twelve minutes in the bathroom before the arrival of the doctor. I did not lift the body from the floor at all while I was in the bathroom before the doctor arrived. I took the wet on the floor to be the result of having taken a wet body out of the bath and laid it on the floor. My suspicions were not excited. I did not lift the body until I helped to take it to the room above the bathroom. After I had taken it to the room above the bathroom I came back to the bathroom. Mr. Anderson, the lodger, was not there. I did not notice any blood-stained clothes on the floor. I could not say positively that there were none, but I noticed none. I did not notice whether the woman was suffering

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\* Miss Blatch informed the Court that there was a peg.

## Evidence for Prosecution.

Stanley Heath

from a period. I said before the magistrate, "There was no sign of any trouble or disorder." I did not notice anything about the fastening of the door.

HENRY NEAL, examined by Mr. HUMPHREYS—I am a police constable in the Metropolitan Police, and I act as coroner's officer for Mr. Walter Schroder, who is coroner for Central London, which included Highgate. On the 18th of December I received information about the death of Margaret Elizabeth Lloyd, and on the 19th, the next day, in the evening, I went to 14 Bismarck Road. I saw the prisoner there. I told him what I had come about. I asked him the name of his wife, the deceased. He said, "Margaret Elizabeth Lloyd, aged thirty-eight, wife of John Lloyd, land agent." He further told me she always enjoyed good health up till Thursday when she complained of pains in her head, and attended Dr. Bates, who prescribed for her and told the deceased to look after herself. On Friday, the 18th, she said she felt much better. At 7.30 p.m. the deceased told her husband she was going to have a bath, and went to the bathroom. He continued, "Shortly after I left the house and returned at 8.10. Not finding my wife about I went to the bathroom and called. Receiving no answer I called the landlady, Louisa Blatch, and we entered the bathroom, and on lighting the gas saw deceased in a bath of water on her left side."

Did he say who lit the gas?—"We lit the gas."

By Mr. JUSTICE SCRUTTON—What have you got down there? We have now three versions?—"And on lighting the gas saw deceased undressed in a bath of water on her left side."

By Mr. HUMPHREYS—Just begin the sentence a little higher up?—"Receiving no answer I called the landlady, Louisa Blatch, and entered the bathroom, and on lighting the gas saw deceased undressed in a bath of water on her left side. Dr. Bates, Police Court, called. On arrival, examined deceased and pronounced life extinct, and said that probably death was due to drowning."

Did you ask him other questions?—I asked him if his wife was insured.

What did he say?—He replied, "No." I then went up on to the second floor back room and saw the body of the deceased. She was on the bed. I gave orders to Mr. Beckett, the undertaker, who removed it.

Cross-examined by Mr. MARSHALL HALL—There is no mention in your notes of this conversation you say you had with him when you asked if she was insured, and he replied no?—Yes, you will find it at the beginning.

When was it you say you asked him if she was insured and he said "No"?—At the time when I was making these inquiries.

Is that your note?—This is my note.

# George Joseph Smith.

Henry Neal

Then you have got down in your note, "Not insured"?—Yes, that is just as we ask the question.

That note, of course, was made some little time after?—No, at the time.

You made it there and then?—Yes, I was writing it on the table. I made that note about twenty minutes past nine on the morning of Thursday, the 19th.\*

THOMAS ARTHUR BIRD, examined by Mr. BODKIN—I am clerk to Mr. Walter Schroder, the coroner for Central London. I was at the Coroner's Court, Islington, on the 22nd of December last. I acted as clerk. I take down in longhand what the witnesses say. Where there is no verdict of murder or manslaughter I do not read over the depositions. At the inquest held on that day on the body of Margaret Elizabeth Lloyd there was a man John Lloyd called as a witness. He was sworn, and he gave his evidence. I recognise the prisoner as the man. [Shown exhibit No. 7.] That is the deposition I took down. It reads as follows:—"John Lloyd, having been sworn, said, I reside at 14 Bismarck Road, Islington. I am a land agent. I identify the body of the deceased as my wife, Margaret Elizabeth Lloyd. The age of the deceased was thirty-eight years. The last address of the deceased was 14 Bismarck Road. I was married only last Thursday, 17th December. On Thursday deceased complained of pains in her head and giddiness. It came on about 6 p.m. We travelled from Bath after being married, and reached London about 4 or 5 p.m. She complained of pains in her head after we got out of the tube at Highgate. On arriving at the apartments I had taken she still complained of the pains. I then took her to a doctor, and Dr. Bates saw her. I went with her, the doctor gave her some medicine, and she took it. At about 7 p.m. she took a dose of the medicine, and at 9.30 p.m. she went to bed. I accompanied her. She was not restless. On Friday, 18th December, at 8 a.m. I awoke, and deceased said she was much better. Deceased got up and was downstairs at 8.45 a.m. She had breakfast. Later I went out with her to the draper's and left her. At 11.30 a.m. I met her and went home. We had a mid-day meal, and deceased partook of it. Deceased said she was feeling better. Deceased had taken about three doses of the medicine. In the afternoon about 4 p.m. she went out again, as she said she had to go to the draper's. She appeared all right and returned. She had tea with me. She arranged to stay in after and said she would have a bath. She went upstairs to have a bath at 7.30 p.m. She

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\* At Kentish Town Station, on March 23, 1915, the witness stated—"Lloyd did not tell me he had been married only the day before, and I looked upon him as a married man of some standing."

## Evidence for Prosecution.

Thomas A. Bird

appeared well. She was not depressed, but not extra cheerful. She was not complaining of pains in her head or chest. I played the harmonium for a quarter of an hour, and then went out at 7.45 p.m. I had told her I was going out for a walk. I returned at 8.15 p.m. Deceased was not there. I inquired for her, and was informed by the landlady that she was not down. I shouted upstairs, but got no answer. I asked the landlady to come up and see where deceased was. I then went from ground floor to first floor where bathroom was. The door was closed, and I don't think I had any difficulty in opening the door. As deceased had not been well I was anxious. I went to the door of bathroom with the landlady. The door was not locked as far as I remember. There was no light in the room, and I struck a match and lit the gas on the left-hand side going in. I then looked straight to the bath, and saw my wife under the water. The bath was about three parts full. I do not think the water was very soiled, as I could see deceased and the soap plainly. The landlady assisted and I got deceased out of bath, and sent for doctor and police. When I lifted deceased up there was no sign of life, and all over her mouth was froth. Deceased was naked, and her clothing was on the floor by the door. There were towels there and soap dish also. The towels looked as if they had been used. A police constable came, and then a doctor. The next day I found a letter, and have handed it to a solicitor. It is the one produced and in her handwriting. I found the letter produced in her clothing in the bedroom. I have read the letter. There is nothing in the letter to suggest she was ill or that her life was likely to terminate. There had been nothing in deceased's manner or anything she said to suggest that she would take her life. Directly deceased complained of feeling ill I asked her to have a doctor. I have known deceased four months, and during that time she has not been ill. I lifted the soap out of the bath after draining the water off." Exhibit No. 24 is the letter referred to. I was present at the adjourned hearing, but I did not take notes.

Cross-examined by Mr. MARSHALL HALL—I took a note of the doctor's evidence too. His evidence is attached to the depositions.

I do not follow what has been read. You said, "Later on I went out with her to a draper's and left her. At 11.30 a.m. I met her and went home. We had a mid-day meal, and deceased partook of it. Deceased said she was feeling better. Deceased had taken about three doses of the medicine. In the afternoon about 4 p.m. she went out again, as she said she had to go"—you have got "to the draper's." Is what he said "to get some diapers"?—No.

By Mr. JUSTICE SCRUTTON—I wrote it in longhand.

*Cross-examination resumed*—Do you not think he might have said—it is a little important—"to get some diapers"?—I would have put it down if he had said it.

Anyhow, he said "to go to the draper's." It is to the draper's you would go to buy that sort of thing?—Yes.

# George Joseph Smith.

Walter Schroder

WALTER SCHRODER, examined by Mr. BODKIN—I am the coroner for Central London. I held an inquest on Margaret Elizabeth Lloyd, commencing on the 22nd of December. Before commencing an inquest it is the practice for the coroner's officer to make inquiries and report to me. In that way I get a general knowledge of the case. The prisoner was examined on the first occasion by me. That is the usual practice.

It says here, in the fourth or fifth line, "I was married only last Thursday, the 17th December." Have you any recollection how that answer came to be given?—Oh, yes, quite clear. It is my custom to ask after the identification has been established what has been the health of the deceased person. I asked him on that occasion, and at first I did not receive a reply. I repeated the question; then the reply was not audible. I thought possibly——

Mr. MARSHALL HALL—We cannot have that.

The WITNESS—I just want to explain. I then put the question, "How long have you been married," so that I might obtain some data on which to go back.

*Examination continued*—The correct answer?—Yes, it was then the answer came, "The day before her death," or words to that effect.

Did you have before you either on that day or any other day, the adjourned day of the inquest, the measurements of the bath?—I did not.

Or the measurements of the body?—I could not remember without looking at my notes if I had the measurements of the body. In some cases I have.

Your depositions have been examined, and I have seen them. There does not appear to be any record?—Probably I did not ask the question.

Was the body viewed in the mortuary?—All bodies are.

Near the Court?—The Chapel of Ease grounds, near the Court.

On the 1st January was the inquest resumed, and did you take your own notes? Will you look at exhibit No. 7?—Yes, or the end of them.

You remember Miss Blatch was unable to come? [Exhibit No. 7 handed to witness.]—On the first occasion, yes. I took the whole of the notes on the second occasion.

Then Miss Blatch gave evidence?—Yes.

And the prisoner was recalled?—Yes.

Did you put down what he said in answer to your questions?—Yes, I did.

"I took the soap out of the bath when I let the water off. She did not say why she was taking a bath at the hour she did, and I did not ask her. She did not complain of pains in the head to me before we arrived at Highgate, after being in the Tube Railway.

## Evidence for Prosecution.

Walter Schroder

"By the JURY—When I got in the bathroom I saw an inch of candle in the candlestick a few inches from the bath. It was not alight. There was water on the floor of the bathroom, such as would get there by a person standing while in the bath, and the splashing might have put the candle out"—That is so.

The verdict was, "Suffocation by drowning in the water—accidental"—Yes. It was also said, in the wording of the verdict, in the first part of it, that she was found dead in a bath.

Cross-examined by Mr. MARSHALL HALL—Mr. Schroder, was Dr. Bates recalled?—Yes.

Dr. Bates was recalled, and you took a note?—I took a note.

Did a Mr. Kilvington, a solicitor, attend the inquest on behalf of the relatives of the deceased?—He was present on both occasions.

And I think you said he made no remarks except to thank you for making the full inquiry you had made?—Yes; that was after the jury had returned their verdict.

He was present all the time?—Yes.

Dr. STEPHEN HENRY BATES, examined by Mr. BODKIN—I am in practice at 31 Archway Road, Highgate. On Thursday evening, 17th December, I was at my surgery. It is just an ordinary name-plate that I have outside my surgery, which states, "Dr. Bates, surgeon." About eight o'clock on the evening of 17th December a man and a woman called at my surgery. I recognise the prisoner as the man. The woman was Mrs. Lloyd, whom I afterwards saw at 14 Bismarck Road. It was the prisoner who spoke. He said, "I have brought my wife to see you; she is suffering from a headache." He said that it came on when they got out of the tube station at Highgate the same evening. I asked the deceased several questions, but I got no answer from her. It was also after I put repeated questions, until I put a leading question, and said, "Have you really a headache, as your husband says?" that she replied, "Yes." I asked several other questions, but still got no answer. I then said, "Have you any other symptoms of any kind?" and she replied, "No." I took her temperature, and it was raised between 100 and 101. Her pulse was about 100 per minute. That was all that I heard about her symptoms. I understood the pain in the head to be located in the frontal region. I gave her a mixture to relieve the headache, and told her to let me know if it was not better on the following day. The mixture consisted of bromide salycilate and phenazone. I gave that simply as a sedative and to relieve the pain. It was in an ordinary 3-ounce bottle. The directions were that one-twelfth part was to be taken every four hours. There were twelve marks on the bottle. I told her to go home and rest, and see how she was in the morning, and let me know if she was not better. They would be about twenty minutes in my surgery altogether. I told them it might be influenza. The next evening Mrs. Blatch



# George Joseph Smith.

Dr. Stephen H. Bates

came to me about 8.20. I followed her to 14 Bismarck Road. When I got there I went up to the first floor. I there saw the deceased lying on the floor naked, except that she had a dressing gown thrown over her, and there was a constable performing artificial respiration, and the prisoner was standing by. The body was just outside the bathroom door. The legs and feet may have been just inside the bathroom. I examined the body and found that she was dead. The trunk of the body was cold, but not quite cold. The extremities were cold. It is almost impossible to say how long before I arrived she had been dead, but I should say at least half an hour. The body was taken upstairs to the second floor bedroom, and I made a further examination of it in the bedroom. The lips were blue and swollen. The whole face was congested and the eyelids swollen. When I saw the body downstairs there was froth exuding from the mouth and nostrils. I formed the opinion that death was probably due to drowning. I did not notice any external marks on the body at that time. The prisoner did not say anything to me that evening as to the death. The only thing he said was when I told him there would be an inquest he remarked, "I hope the verdict will not be suicide, as I should not like it said that my wife was insane." On Sunday, 20th December, I made a post-mortem examination at Islington mortuary. As the result of my examination, I arrived at the opinion that death was due to suffocation from drowning. I should say that the deceased was a well-nourished, well-developed woman about 5 feet 3 or 4 inches in height. The organs of the body were healthy, except that there was some evidence of old disease. There was evidence of old pleurisy on both sides, and some peritonitis in the upper part of the abdomen. Apart from these things, I would describe the organs as being healthy. I saw some bruising round the left elbow, just above the left elbow, on the outer side. There was only one mark visible externally, but there were others beneath the surface. The bruising was quite recent. I was afterwards present at the exhumation of the body. That was the body on which I held the post-mortem examination. I remember the deceased's hair was wet and down over her shoulders on the night of the Friday when I called at her house.

By Mr. JUSTICE SCRUTTON—Her hair was wet all over, as if the entire head had been under the water.

*Examination resumed*—I think I was at home on the night before the inquest, the 21st December. I cannot say whether it was that night that the prisoner called on me, but he called one evening at my surgery. He asked me if I had noticed any blood on the floor at the time of the first visit, and I replied, "No." He said, "There was blood, but it was due to the fact that my wife was menstruating at the time," and asked if it was not very unusual for a woman to have a bath at that time. I replied that it was unusual, and that there was no blood as far as I could see.

## Evidence for Prosecution.

Dr. Stephen H. Bates

Cross-examined by Mr. MARSHALL HALL—When the deceased came to me on the first occasion with her husband she appeared to be dazed.

And not apparently either able or willing to answer?—Simply did not answer questions.

And the husband made certain statements with regard to her, that she had got a bad headache?—Yes. I gave evidence before the coroner. I examined her on that occasion, and found that she had a temperature of between 100 and 101. That is abnormal; 98.40 is the normal temperature, so that she was about two degrees higher than normal. I took her pulse, and found that it was 100, the normal being 70 to 72.

Did you also find that she was, as far as you could judge, depressed?—She was.

Therefore, may I take it that, *prima facie*, her condition was abnormal?—It was.

And abnormal conditions must be produced by some cause other than health?—Yes.

Did you say that you first feared mental trouble when you found the temperature high?—When I first saw her and found she would not answer questions, and stared vacantly about her, I did think so.

You cannot simulate a vacant stare. You would know whether it was a genuine vacant stare or not—It appeared to me. When I found not only the raised temperature but the accelerated pulse, I began to suspect influenza. There was an epidemic of influenza at the time. It was of a character peculiarly acute and brief, a quick rise of temperature, and it did not last long. There were many cases of that kind. I also found in my practice at that particular time that one of the symptoms of that epidemic influenza was stomach trouble. I gave her phenazone and bromide salicylate, which, of course, would serve a double purpose. It would be a good stomach disinfectant, and would be a beneficial medicine in conjunction with the bromide. It was a 3-ounce bottle I gave her, containing twenty-four teaspoonfuls.

Had you any doubt whatever in your own mind that this woman had influenza? I am not dealing with your subsequent examination. When you prescribed for her that night, had you any doubt she had influenza?—I was not satisfied as to the diagnosis.

Either influenza or something more serious, was it not?—Yes. I did not find anything in the post-mortem examination of this woman's body which would account for the condition in which I saw her on the evening of Thursday.

So that you are reduced to this: she was suffering from influenza or something more serious. Whatever it was, as far as you could get any objective symptoms in post-mortem, it had disappeared? There was no evidence at the post-mortem at all.

# George Joseph Smith.

Dr. Stephen H. Bates

Assume for the moment that she was suffering from the particular form of epidemic influenza at that time, complicated, as I suggest to you, by the presence of a period, would not the hot bath be the very worst thing she could possibly have?—Yes, I should say so.

I think you said before the coroner when you gave your evidence, "The woman's general condition, together with the onset of some febrile illness, might have induced faintness in the first place from prolonged immersion in a hot bath. If she had influenza that, together with a hot bath, might tend to her having a fainting attack"?—Yes.

You do not want to modify that now. That was your diagnosis at the time?—It was certainly. I did not go inside the bathroom at all that night. The constable was using the Schaffer method of artificial respiration when I arrived. There are many methods of artificial respiration. If an inexperienced person used the arm method, a dressing jacket would incommode him. The Schaffer method is a modification of the old Marshall Hall method.

As regards the question of bruises, I think you did not think them of sufficient importance to mention them to the coroner at all?—Yes, I did mention them.

I beg your pardon. "There was a small bruise on the left elbow which was recent," but you did not mention the other bruises?—Those subcutaneous ones were not visible on the surface. I have not had the advantage of reading Dr. Spilsbury's report on this case, neither did I hear his evidence. The bruising was on the outer part of the elbow. Some people bruise or mark more easily than others. It depends on the amount of circulation. There was no cedema of the body at all. I saw no sign of any struggle or gripping of the arm at all.

Re-examined by Mr. BODKIN—The deceased did not complain of any stomach trouble, nor was there any sign of stomach trouble.

Did you know that she either was passing or had passed through a period?—I knew she had recently menstruated. There was no evidence of her menstruating at the time.

No evidence on the body?—No.

Would you expect to find evidence on the body on the Friday night?—If they were on I certainly expect after the bath it might have destroyed the evidence of it.

I say would you expect to find any evidence of it on the body after the bath?—No.

How did you know as your source of information about that?—The menstruation?

Yes?—The prisoner suggested that she was menstruating.

On the night before the inquest, whichever night that was?—Yes.

Some night before the inquest—Yes. My advice to the deceased was that she should go home and rest, and let me know if she was

## Evidence for Prosecution.

Dr. Stephen H. Bates

not better the next day. I never saw my medicine bottle again to see how much the deceased had taken. I did not know at the time that she had just been married, and had travelled up from Bath.

When you were before the coroner you were asked whether you said a woman's general condition, together with the anxiety of some febrile illness, might have produced faintness from prolonged immersion in a hot bath?—Yes.

Where did you get, if I may ask, the word "prolonged"?—I do not remember making use of the word.

Had you any intention of ever using the word?—None whatever. If I did use the word I do not remember using it.

Did you also say, just to complete the passage, "There was nothing to suggest she had had a fainting attack"?—I do not remember suggesting it. There was no evidence in the heart itself to suggest that. Blueness in the face and in the lips indicates congestion.

Would that appearance of blueness be the appearance if a woman had fainted?—No, quite the opposite. The blueness would be brought about by suffocation—some obstruction to the entry of air. In the case of a person who has fainted there is usually a pallor due to sudden failure of the heart—failure of the circulation. I did not go into the bathroom and try the water. After I saw the body I asked Miss Blatch downstairs about the bath, and she told me she had had a bath.

The evidence as it has turned out gave me the impression—it may be a wrong impression—that you attached importance not only to the immersion being prolonged, but also to the bath being hot?—I was told by Miss Blatch that she had had a hot bath.

"If she had influenza, that, together with a hot bath, might tend to her having a fainting attack"?—Yes. That is the conclusion of the report I was giving.

By Mr. JUSTICE SCRUTTON—It would come to this—if she had influenza, and if she had a hot bath, and if she stayed in a considerable time, it might cause fainting?—Yes.

By Mr. MARSHALL HALL—Assuming a woman faints in a bath, and is subsequently drowned without recovering consciousness, would the objective symptoms be those of fainting or death by drowning?—Death by asphyxia.

Therefore from the objective symptoms it would be impossible to say the fainting fit had not preceded the drowning?—Exactly.

Assuming the policeman is right, that at twenty minutes past eight o'clock, when the bath water was running away and it was still warm, have you any doubt it would be hot water at a quarter to eight—thirty-five minutes' interval?—Thirty-five minutes—it might have been.

Probably?—Yes.

By Mr. JUSTICE SCRUTTON—Did you see any symptoms in the post-mortem which suggested to you any fainting fit?—No.

## George Joseph Smith.

Florence Green

FLORENCE GREEN, examined by Mr. HUMPHREYS—I am a clerk at Muswell Hill post office. I was on duty there on the 18th of December last. [Shown exhibit No. 30.] That is a Post Office Savings Bank book. It was brought to me on the 18th of December, and I paid out from that book £19 5s. 5d. [Shown exhibit No. 31.] Judging from that form which I was using on the 18th of December, I should say that I paid that money out in the morning. Before I paid that amount it was necessary for me to receive authority to do so, and also a notice of withdrawal signed by the depositor. Exhibit No. 29 is the document which was brought by the person who drew the money. It is signed "Margaret Elizabeth Lofty."

SIDNEY PHILIP MITCHELL, examined by Mr. BODKIN—I am superintendent at the Post Office Savings Bank in Blyth Road, Kensington. That is the head office of the savings bank. If a depositor at the Post Office Savings Bank wishes to withdraw his or her money, it is necessary to send a notice, which comes to Blyth Road post office. I received the notice of withdrawal (exhibit No. 32). Upon that I issued authority to the Muswell Hill post office to pay the amount. The date of the notice of withdrawal is the 15th December, and it is signed "Margaret Elizabeth Lofty."

FREDERICK BECKETT, examined by Mr. HUMPHREYS—I am in business with my brother as an undertaker at No. 1 Highgate Hill. On Saturday, the 19th of December last, in consequence of getting an order, I went to 14 Bismarck Road, Highgate, about nine o'clock in the morning. The prisoner opened the door. I was asked by the prisoner to make arrangements for the funeral. I asked him if he wished to purchase a grave. He asked me what it would cost. I told him that it would be £4 2s. 6d. for two interments in the church ground. That is what is called a private grave. He said that was too much. I then suggested that he should have an ordinary interment, which would cost 9s. 6d. By that I meant interment in a grave where others were buried. He said that would do. I quoted him £7 for the funeral, exclusive of the grave charges. He said that was too much. I then suggested £6 10s., including 9s. 6d. for the grave. He said that would do. I took the order on these terms.

HERBERT FRANCIS BECKETT, examined by Mr. HUMPHREYS—I am an undertaker. I identified the coffin as being one which we supplied on the exhumation of the body of Mrs. Lloyd. I went to Islington Cemetery and saw the coffin exhumed. It had the name "Margaret Elizabeth Lloyd" on it. The prisoner paid me £6 10s. for the funeral.

ARTHUR RUSSELL DAVIES, examined by Mr. BODKIN—I am managing clerk to Mr. W. P. Davies, of 60 Uxbridge Road, Shepherd's

## Evidence for Prosecution.

Arthur Russell Davies

Bush. I recognise the prisoner. I first saw him on the 4th of January last. He produced certain documents to me, and gave his name as John Lloyd. The documents he produced were the original will of Margaret Elizabeth Lloyd and the certificate of marriage of Margaret Elizabeth Lofty with himself, also her birth certificate. He also produced a policy of insurance. I received instructions and took the necessary steps to obtain probate of the will. I communicated with the insurance company with regard to the payment of the policy money. [Shown exhibit No. 52.] That is the executor's affidavit, and it was prepared in my office by myself. It is in my own handwriting. The gross value of the estate was £705, the net value being £698 10s. The prisoner was sole executor. Probate was granted on the 11th of January. I thereafter wrote several letters to the Yorkshire Insurance Company. When the prisoner came in to me on the 4th of January he handed me a cheque for £15 to cover the cost and duty.

THOMAS FULLER, examined by Mr. HUMPHREYS—I am manager of the London and South-Western Bank, Highgate Hill branch. About 14th December last a person calling himself John Lloyd called at the bank. (Shown exhibit 42.) That is a correct extract from the books of the bank, showing that a deposit account was opened on the 14th December in the name of John Lloyd. The prisoner is the man who came to the bank on the 14th December. He deposited £50. I cannot tell in what shape the money was handed over to our bank. His address at that time was 16 Orchard Road, and it was afterwards altered to 14 Bismarck Road on the 19th December. Exhibit 41 is the receipt which I gave for the £50 deposit. Exhibit 42 shows that the £50 deposited on the 14th December was withdrawn on the 23rd. On the 19th December the same depositor deposited a sealed parcel with me, about 6 inches by 4 by 4. The parcel was withdrawn on the 23rd.

FREDERICK KELVINGTON, examined by Mr. BODKIN—I am a solicitor in practice at 120 Queen Victoria Street. I have been there for some years. I am a cousin of the Loftys. I am a second cousin of the deceased. I recollect on Saturday, 19th December, receiving a registered envelope and letter from Mrs. Lofty. I went to 14 Bismarck Road. I first of all saw the servant, and then I saw Miss Blatch, the landlady. I then saw the prisoner. I told him who I was. I gave him my card showing that I was a member of a firm of solicitors. I told him that I had called because I had received a letter from Mrs. Lofty. The letter I had got gave me all the information regarding their marriage. I told the prisoner that I had come on behalf of the mother of the deceased, that she was very old, and unable to come herself, and she had sent me this news. The prisoner did not seem to know that she had any relatives. He

## George Joseph Smith.

Frederick Kelvington

produced some letters to me which purported to come from her, and which had been written some time previously. These letters seemed to say that he was her only friend. I told the prisoner that she had a mother and sisters and a brother. The prisoner then asked whether I would like to see the body, and I said I would. I went to the mortuary and saw the body.

Afterwards was there any conversation as to what his occupation was or what part of the world he came from?—This letter spoke of his having been in Canada, and it enabled me to ask him whether he had been there. I tried to find out something about him. I wanted to report what I could find out. I understood from him that he had been in Canada and that his work was in London, and in the south of England; but I gathered very little from him. I think he told me he was a land agent. I was present at the inquest on the 22nd, and again on the 1st of January. I attended the funeral at Finchley Cemetery on the 23rd December. I did not hear of any insurance on Miss Loft's life. I do not think I had any knowledge of her having made a will on the first occasion, but I think I heard about it on the second. In January I remember getting a communication from Mr. Davies, of Uxbridge Road.

[This was a copy of the original registered letter and envelope, exhibits 25 and 26, and it was produced by the prisoner to the Crown. After some discussion, the Court refused to admit the copy.]

SELINA KING, examined by Mr. HUMPHREYS—I reside at 14 Richmond Road, Shepherd's Bush. I let apartments there. On the Monday before Christmas Day last—the 21st December—the prisoner called to see about taking a room. He asked for a furnished bedroom. He left a deposit of 2s. 6d. He said he would bring his baggage on the Wednesday before Christmas, the 23rd December. The prisoner did not inquire about a bathroom. He arrived on the 23rd bringing with him the bag, which is exhibit No. 43. He said he was going away till the Monday after Christmas. I next heard from him by postcard. He arrived at my house on the 31st December. I afterwards saw another piece of luggage, a hold-all, exhibit No. 37. I think the prisoner stayed with me till the following Thursday or Friday. He then went away and came back the following Monday. He did not tell me anything about himself except that his name was Lloyd. He did not tell me what his occupation was.

CHARLES PENFOLD BALLARD, examined by Mr. BODKIN—I am cashier at the London and South-Western Bank, Shepherd's Bush branch. I recognise the prisoner. He opened an account at the bank on the 1st January of this year under the name of John Lloyd, and he gave his address at 14 Richmond Road. On that day he

## Evidence for Prosecution.

Charles Penfold Ballard

paid in £30 in gold. I saw him the next day, the 2nd January. He then expressed a wish to open a current account instead of the deposit account, and the one was transferred from the other. He gave as his reason that he was starting in business as a house agent. Exhibit 51 is a copy taken from the books of my bank of the operations on that account, and it is correct.

**HAROLD REED**, examined by Mr. HUMPHREYS—I am a sergeant in the Metropolitan Police. On the 1st February I went to 14 Richmond Road, Shepherd's Bush, and took possession of some articles. The articles included a hold-all, exhibit No. 37, which contained a quantity of lady's clothing. That is the clothing that was identified as belonging to Miss Lofly. I also took possession of the gladstone bag, exhibit 43. In it I found exhibit 104, which is a cheque book of the London County and Westminster Bank, Shepherd's Bush branch. I also took possession of the pay-in book, exhibit 105, and exhibit 106, a document relating to a grave at Finchley Cemetery. The two documents, Nos. 107 and 108, are forms to be filled up by a person who is proposing to be insured in the Yorkshire Insurance Company. They are both filled up, and they bear the signature of Margaret Elizabeth Lofly. I know the prisoner's handwriting. Exhibit No. 109 is a memorandum in the prisoner's handwriting. It reads—"Certificate of birth, certificate of marriage, certificate of death, wife's will, policy, receipt for premium paid, official acceptance, receipt for burial." The receipt for the funeral is on the back, and then there is the number of the policy, 26595. Then there is a date, 24/12/1914.

**Mr. MARSHALL**—There is nothing I want to ask you now.

**Mr. BODKIN**—I ought to mention, in case I should forget it, that last Thursday there was a question about whether the bolt on the lock of the middle room at Herne Bay had been apparently recently shot or not; your lordship will remember.

**Mr. JUSTICE SCRUTTON**—You wanted the keys.

**Mr. BODKIN**—There were two keys to the front door which the jury tried; neither of them fitted. Now we have got the key that will fit the lock on the door of the middle room.

**Mr. MARSHALL HALL**—I understood there were no keys.

**Mr. BODKIN**—One of the jury wanted to know, as I gathered, by the appearance of the bolt that shoots out when you turn the lock whether it had been recently used or not. Just put the key in the lock and let the jury do it for themselves. (Same handed to the jury.)

**Mr. MARSHALL HALL**—Will your lordship allow me to make a submission? With respect of my learned friend, I think it is highly important to take the point.

**Mr. JUSTICE SCRUTTON**—You want the jury to retire?

**Mr. MARSHALL HALL**—Yes.



# George Joseph Smith.

Dr. Bernard H. Spilsbury

Mr. BODKIN—I am sure the jury will appreciate that after the whole of the Herne Bay case ended the lock has been on the door for two and a half years, and we have no idea as to whether it has been used by any succeeding tenant or not in that time.

The learned judge here directed the jury to retire.

\* \* \* \* \*

Mr. MARSHALL HALL objected to the Crown calling Drs. Spilsbury and Willcox, on the ground that the cause of death—drowning—not being in dispute, it was within the jury's province to say, after hearing the circumstances, how such drowning occurred. Mr. Justice Scrutton held he could not exclude the evidence.

The jury returned to Court.

Dr. BERNARD HENRY SPILSBURY, examined by Mr. BODKIN—I am a Bachelor of Medicine and a Bachelor of Surgery of Oxford. I am Pathologist at St. Mary's Hospital. I have had a very extensive experience in not only making post-mortem examinations, but in dealing with a variety of conditions of the human body. On or about the 19th of February of this year I went to Herne Bay, and there saw a coffin which had been recently exhumed. The plate bore the name of "Constance Annie Williams, died 13th July, aged thirty-five years." I examined the body. It was in an advanced state of decomposition. I formed the opinion that it was a well-nourished and well-proportioned body. The length of it was about 5 feet 7½ inches from the top of the head to the sole of the foot beneath the heel. In the case of a dead body in a natural condition the toes would fall forward somewhat, so that an undertaker's measurements are not a good measurement of the height of a person. There may be a difference of two or three inches. The body was well covered with fat. About the thighs and abdomen there was a condition of the skin known as goose skin. That conditions occurs in some cases of sudden death, and perhaps more frequently in sudden death from drowning. It is a sort of corrugating of the surface, a roughening of the surface. I could find no evidence of bruising of any kind. In view of the state of decomposition you would probably not find marks even if there had been any. I also examined the internal organs. The brain was very decomposed. I do not think there was any hæmorrhage. The heart was also decomposed. I was able to discover and examine some of the arteries. They appeared healthy. I was not able to distinguish the lungs.

On 10th February I was at Blackpool, and I there saw a coffin taken from the ground which bore the name on its plate, "Alice Smith, died December 12th, 1913, aged twenty-five years." That body was in an even more advanced stage of decomposition. She

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appeared to me to be a very well-nourished woman, a fat woman with large breasts and buttocks. Over the breasts there was 3 inches thickness of fat. The buttocks were large in proportion. I could not directly measure the height of this body on account of the progress of decomposition, but I estimated the height from the length of the thigh bones to be about 4 feet 11 inches. I am afraid I cannot give any idea of the girth of the woman round the breasts or the buttocks. She was big bodied from the shoulders and round the hips, and the hips were tightly wedged in the coffin. I examined the brain, but there was nothing abnormal that I could recognise. It did not appear to be enlarged, but decomposition again was advanced. I could recognise one heart valve, the one which is called the mitral valve. There was a slight thickening of the edge of that valve. The arteries appeared to be healthy. Thickening of the mitral valve is generally ascribed either to the wear and tear of life or to some definite inflammation of the valve. By wear and tear of life I have in mind older people after the age of forty or forty-five. It is also caused by some definite illness causing inflammation such as rheumatism or rheumatic fever. It is found that in rheumatic fever inflammation just at that part is more or less common. If the inflammation exists there, the surrounding parts, or the part itself, tends to thicken and harden. The mitral valve is the valve which allows the blood to pass in one direction through the cavities of the heart, but should prevent the blood from running back in the opposite direction. If there is slight thickening of the mitral valve, it may have no effect, but if it is at all marked, especially if the valve is contracted as the result of it, then the valve will cease to act efficiently and blood may then be able to leak backwards. In this case I would describe the thickening as slight. Supposing it were not slight, but were marked as I have mentioned, it would affect the general health and the prospect of life, both by causing probable shortness of breath and a tendency to blueness of the lips, and perhaps some swelling of the feet at certain times, and a disinclination to lead a very active life. Supposing it were slight, the person's life or habits of life would not be affected by it at all. In the course of my practice I have seen cases of this thickening of the mitral valve. It is almost an everyday occurrence in post-mortem. If of a slight character it would not of itself tend to shorten the life at all. When thickening of the mitral valve is due to some illness, such as rheumatic fever, the thickening remains at that standard which the fever leaves behind it. It is not progressive unless there has been some serious damage to the valve at the time of the inflammation. I would agree with what Dr. Billing says, that it was about two months' standing. A person possessing a mitral valve with a slight thickening such as I found in this body would not be liable to sudden collapse or any failure or weakness of the heart's action. Assuming that Alice Burnham had rheumatic fever at, say, nine or ten years of age,

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the condition of the mitral valve as I found it was quite consistent with it having been caused then, and continuing for the fourteen or fifteen intervening years. Sometimes accompanying the disease there is a condition known as St. Vitus's dance or chorea. That condition may come on during convalescence. It sometimes shows itself at an earlier period of the disease, even during the febrile stage. It is brain trouble from which the appearances of chorea come. The brain trouble might probably arise from the same cause as produced the rheumatism, an inflammation.

So that there might be the poison, if I may put it so, of the rheumatic fever when it first touches the brain and causes that appearance which might afterwards get into the system?—It might be so.

Taking the case of Alice Burnham, if she had two ailments in that order, the chorea shortly before the rheumatic fever, then during her girlhood up to twenty-one healthy without any complaint, working as a nurse, and the appearance you actually found in her mitral valve, do you think that condition of the thickening of the mitral valve affected her health in any way?—No, I do not.

Taking that as shortly a glance at the history of the young woman, with the limitations you have already mentioned, was there anything else wrong with her body at all that you could find?—No, nothing at all. On the 4th February of this year I went to the mortuary at Finchley, and I there saw a coffin recently exhumed with a plate on it stating "Margaret Elizabeth Lloyd, died 19th December, 1914, aged thirty-eight years." I examined the body in that coffin. I measured the length of the body, and I found it to be 5 feet 2½ inches. She was a well-nourished spare woman. There was a bruise on the back of the left elbow which was visible on the surface, and I found two other bruises close to that one on the back of the left arm which were not visible on the surface. The bruises were caused by separate forces, but they appeared to have been caused at or about the same time. I formed the opinion that they had been caused before death. They were all small bruises; the largest of the three would be about 1 inch in diameter. I should say they were caused recently before death. I examined the brain. It was rather decomposed, and had been cut up at the previous examination. There were in places appearance of congestion, no evidence of any disease. The heart cavities were slightly dilated, and the heart muscles on subsequent examination showed only traces of disease known as brown wasting. There was no fatty disease of the heart muscles. I was able in this case to microscopically examine the heart substance. There was no trace of fattiness at all. I was not able to examine Miss Burnham's heart from the point of view of being able to say there was any fatty degeneration. The post-mortem changes were very advanced, and it would have been quite useless. The same applies to the case of Miss Mundy. I was able to make a

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satisfactory examination of Miss Mundy's heart. The appearance of brown wasting is quite a usual appearance in a person of that age, thirty-eight, but it should only be slight. It was only slight in this case. The heart was apparently quite effective. There was nothing about it which might render her liable to collapse. There was no weak spot that I could find about her heart. All the other organs of the body appeared to be healthy. As regards the body generally, I found nothing to indicate any weakness or liability to faintness or collapse. I am acquainted with the kind of seizure known as epilepsy. The usual form of epileptic fit can be described in three stages—firstly, the state of complete rigidity of the body, which is called the tonic stage, and which lasts only for a few seconds; secondly, the stage where there are movements of the body, which is called the face and the trunk. That is called the clonic stage, and usually lasts perhaps for one or two minutes; and thirdly, the last stage of exhaustion, generally accompanied by unconsciousness and continuance of the unconsciousness, the complete effects of which may not pass off for several hours. It commonly appears early in life for the first time, in childhood or infancy. Its appearance at such an age of thirty-three is unusual. I have known a case of its appearance for the first time at such an age in the case of certain diseases.\* It is due sometimes to inherited causes, where there is a history of mental trouble in the family, for instance. Those are the cases in which I would expect to find it appear at an early period of life. Where there has been a history of mental trouble, after a seizure of an epileptic character, the exhaustion or prostration would last for some hours before the complete effects passed off. It might be apparent for a day or two, but it might not apparently damage the health of the patient generally. A person for a day or two after a real epileptic seizure would in all probability not be in his or her normal vigorous state. The effects of two fits in one day would, of course, be more pronounced; it would take longer to recover from the second one.

Take the case of a succession with only short intervals, the first of the series occurring for the first time at thirty-three years of age, is that a usual or unusual state of things?—No, that is unusual.

Dr. French here has prescribed a sedative medicine—bromide? —Yes, either 15 grains' or 20 grains' dose.

What effect would that have upon the person supposing the person had really suffered from an epileptic fit?—It would be a part of the proper treatment that would tend to render the patient less liable during the treatment to a recurrence of the fit. From a merely verbal description by a layman it would not be easy to

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\* Syphilis is one such disease. Brain tumours, previous injury to the skull are others. (From a communication from Dr. Spilsbury).—E.R.W.

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diagnose an epileptic fit. Of course, a lot depends upon the description—the extent of the movement of the limbs, limbs fixed, opening and shutting her mouth, and whether she had lost consciousness.

These were the appearances suggested by Dr. French. That would rather indicate an epileptic attack?—Yes, it would. Headache is not an actual accompaniment of the fit, but it might be one result of the fit. I have seen the bath from Herne Bay. I have made myself acquainted with its appearance, and I carefully considered them. I also have before me the measurements of this woman during life. I took the measurements of her body. There are several positions in which it would be possible for a person to take a bath—either sitting down facing the foot end, kneeling facing the foot end, or in the opposite direction. If you were kneeling facing the foot end the toes would be up the sloping part. There would be the same position of the body the reverse way looking towards the sloping end, but there, again, sitting at the foot end it would be less likely to be adopted than sitting in the opposite direction. I think that would apply to all these cases with these particular baths. I base that statement on the appearance and size of the deceased woman and the relation of that size to the dimensions of the lower end of the bath. It would be rather a tight fit in all of them for the women in a particular bath sitting at the foot end, and it would be an extremely tight fit in the case of the Blackpool bath, which is very narrow at that end. It tapers to 12 inches at the bottom. I am doubtful whether in that case the woman could have sat at that end or very near to that end. I see the point at which Dr. Billing puts the marks on the bottom of the bath. From my recollection of the woman I should say that she might possibly sit there. That point is about 18 inches from the foot end. I think it is just possible she might have sat there but it would have been a very tight fit. Speaking from recollection I think that that end tapered to 11½ inches. She was not a very fat woman, still I think it would have been uncomfortable for her.

Dealing with those various positions in which a person may be in a bath, the three positions facing the foot, the three positions facing the sloping end, supposing there was faintness in the standing-up position, first facing the foot end, might a person get drowned under the circumstances?—It is possible.

Collapsing in what posture?—If collapsing face downwards in the water.

By “in the water” you mean head or face under the water?—Yes.

Mr. JUSTICE SCRUTTON—Facing the foot end?

Mr. BODKIN—Facing the foot end. If kneeling uncomfortably, it would be owing to the sloping end coming up, kneeling and a collapse.

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If the collapse had taken place kneeling facing the foot end might a person then be drowned?—I think probably not, because the kneeling position would have to be near the foot end of the bath. They would not kneel in a very sloping part, and kneeling otherwise would bring the face over the taps or over the end of the bath.

Strike the head on the end of the bath?—Yes, or even strike the chest.

Strike the face on some part of the bath?—Yes.

Sitting at the broad end of the bath looking towards the foot end, and a collapse took place what do you say to that?—Then the woman might fall backwards rather than forwards, and it is highly improbable, and I think in two of these baths, almost certainly impossible, if not quite so, for the head to become so submerged as to cause death by drowning.

Which two are they?—I am speaking now of the Blackpool bath and the Herne Bay bath.

The Court adjourned.

## Seventh Day—Tuesday, 29th June, 1915.

RUTLEY MOWLL (recalled), further cross-examined by Mr. MARSHALL HALL—I saw the report of my summing up to the jury in a local paper. I think on the whole it was fairly accurate.

[A legal discussion here took place as to whether the verdict of the coroner's jury was relevant to the issue. Eventually his lordship in view of Mr. Bodkin's suggestion that the inquest was perfunctory, allowed Mr. Marshall Hall to put in the coroner's summing up, as reported in "The Herne Bay Press."]

Mr. MARSHALL HALL—"The coroner then summed up and, referring to the evidence, said the theory put forward was that the deceased was drowned by having an epileptic seizure whilst she was in the bath, and getting her head under water. That was by no means an improbable cause of death, because they knew epileptics had fits of all kinds, and it would be possible that when a person was washing he should fall down over a basin and as the result of the seizure be drowned in a few inches of water; still more was it possible for such a thing to happen to a lady in a bath. The evidence was reviewed in detail, and dealing with the discovery of the body the coroner said he did not think any great importance attached to the time when the bath was filled. No doubt when it was filled it was a matter of time and trouble to the person who filled it, the evidence was not at all clear that it was anything but cold water. At any rate the bath was three-quarters full, and this poor lady was found in the bath with her head under water. Assuming the husband was fond of his wife—and there was no evidence to the contrary, but a great deal of evidence that he was—it was a terrible blight. Probably the best thing to have done was to have got the water out of her at once. Instead of doing that he propped the head up in the bath the best way he could, placing the head over the side of the bath, went downstairs, and hurriedly scribbled a note in pencil saying he was afraid his wife was dead, and suggested a doctor should come at once. With this he went to the doctor's house three minutes' walk away, and this letter was taken to the doctor by the doctor's servant. The doctor came at once, reaching the house almost as soon as the husband got there himself. Unfortunately, according to the evidence of the husband, deceased's head had slipped down in the water, the doctor had the head raised out of the water, artificial respiration was tried, and water ran from the mouth

## Evidence for Prosecution.

Rutley Mowll

“ and stomach, showing that death was due to drowning. The coroner pointed out that this was not a natural death, it was a violent death. But they knew persons were frequently drowned by accident and not only accident, but by design. This woman might have wanted to drown herself, but there was no evidence of that. Was she drowned by accident or was she drowned by violence—that was the point? If she was drowned by violence they would have expected to find some signs of a struggle, and they would not have expected to find a piece of soap in her right hand; to have the soap was a natural thing for anybody who was having a bath, but it would be a very unnatural circumstance with any one who had been struggling in the water with some one else. They saw that although there was not clear evidence of epilepsy they found the doctor consulted, and it looked as if the husband were anxious about his wife, because he had been to the doctor in the early morning, and the doctor had come to attend his wife for epilepsy. If they were of opinion she went into the bath herself as the husband said she had the intention of doing, and while there had an epileptic seizure while in the bath, which caused her to fall into the water and be drowned, then their verdict would be death by misadventure, which meant accidental death. He should like to say that although the husband did not do the most sensible thing yet he really did not see any evidence on which to censure the husband at all; he had taken very great care in taking these depositions, and had gone into the case with more than ordinary perspicacity, because he had a request from one of the relatives to do so, apparently from one who had never seen the husband at all, and it was obvious reading between the lines that the marriage was not popular to the relatives of the lady. A request had been made to have a post-mortem examination, and if he had had the request earlier he should then, with an abundance of caution, have requested the doctor to make an examination, but looking at facts, and they admitted that death was due to misadventure, and there was abundant evidence that the deceased was drowned, he did not see how a post-mortem examination would help them to arrive at a verdict. But he thought having had the request that he would put it to the jury. They told him that they did not requiresuch an examination and their views corresponded with his own, and although he did not tell them before, and as he wanted the jury to decide for themselves. They had gone into the matter very carefully, and he hoped the relatives would be told that the case had been thoroughly and carefully thrashed out.”

FRANK AUSTIN FRENCH, recalled, further cross-examined by Mr. MARSHALL HALL—As is stated the other day, I could not remember



# George Joseph Smith.

Frank Austin French

whether the water was cold, but my impression is that it was off the chill. I do not think I said that in my opinion it was cold.

Further examined by Mr. BODKIN—I do not remember being asked about any bucket or pail.

RUTLEY MOWLL, recalled, further examined by Mr. BODKIN—I remember the question being asked as to how the water in the bath had to be emptied, and the answer was that it was emptied by the bucket. It had to be emptied by bucket, as there was no pipe to drain it. I understood the prisoner to say that there was a pail. I think I suggested to him that it was a large pail, and he said "Yes," and then he said there was a small pail too. He said there was a bucket there at the time, because I asked the question how the bath was filled, and I said, "Was it by a pail or bucket or can or what?" and he said, "It was filled by a bucket." Then I think I said, "Well, but how?" He said there was a bucket there now, and I said, "Well, but it is a large pail, is it not?" and he said "Yes," and I think he said there was a small bath there as well. I do not think that I asked for any description of the small bath.

Dr. BERNARD HENRY SPILSBURY, recalled, further examined by Mr. BODKIN—I was asking you last night about the positions of the women—the three positions—standing, kneeling, and sitting whilst facing the narrow end of the bath with her back to the sloping end.

Mr. JUSTICE SCRUTTON—Does that exhaust the possible positions? Have you ever heard of a person lying in a hot bath and soaking. Had you not better deal with that also?

Mr. BODKIN—I was going to put that; but that was in another connection.

Mr. JUSTICE SCRUTTON—As long as you bear in mind that the three positions, standing, kneeling, and sitting, do not exhaust the possibilities.

Mr. BODKIN—No; I am much obliged to your lordship.

May we take the three positions. Taking it the other way round—facing the sloping end?—Yes.

Supposing she was standing facing the sloping end and some sudden collapse occurred, pointing, you say, as falling into the water in that position?—If she fell face downwards she would probably drown.

And kneeling?—The same would probably occur—more probably occur.

Sitting?—Sitting she would fall backwards, but I do not think that the mouth and nose would become submerged.

You have seen these three baths, have you not?—Yes, I have.

And appreciated the depths of the baths?—Yes.

How is it you say that you do not think she would become submerged if while sitting she became collapsed?—If she were facing

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Dr. Bernard H. Spilsbury

the sloping end she would be sitting near the lower end, and in falling back her back would be supported by the lower or foot end of the bath.

Now, applying those answers to Miss Mundy, whose height was 5 feet 7½ inches, and to the particular bath in Herne Bay, in view of the size of that bath, and the stature of the woman, do you qualify any of your answers?—No, I do not.

Have you anything to add?—No.

By Mr. JUSTICE SCRUTTON—Is there any average height from the top of the head to the bottom of the spine, or does it vary so enormously that you cannot measure it?—The ratio of height from the top to the bottom of the body?

Yes?—It varies to some extent. The fair average would be somewhere about half of the height.

From the top of the head to the bottom of the spine would be about half?—Yes, only roughly, from the bottom of the spine to the heel would be about half.

*Examination resumed*—It is better to mention it now, my lord. Take the fourth, and I think the only other possible position, that of a person lying soaking in a bath.

Dealing with the particular case first of Miss Mundy in that particular bath, if she was lying at full length in it her legs would be, on that assumption, along the bottom—Yes, in the usual position, if she was sitting facing the foot end.

Or, rather, lying facing the foot end?—Lying facing the foot end.

By Mr. JUSTICE SCRUTTON—She would be very unlikely to lie the other way?—I should think so.

It would be certainly most uncomfortable?—Yes, it would.

*Examination resumed*—The narrow end is at right angles to the bottom of the bath?—Yes.

The other way, with her back towards the sloping or narrow end, if she was lying at full length, bearing the measurement of that body in mind, where would her head be?—Her head would be resting upon the sloping end of the bath. May I add to that that usually a lady taking a bath of that sort would have the head completely out of water; they do not usually wet their hair when they are having a bath.

So that have you considered at all whereabouts on the sloping end, in view of her length and the length of the bath, her head would come?—It would depend, of course, upon the amount of water in the bath; and if you are assuming the amount which has been mentioned—

I am leaving out the water. Whereabouts on the sloping end do you think her head would come, in view of her length and the length of the bath?—You see, lying with the legs extended, the head

# George Joseph Smith.

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would be very near to the top of the sloping end, in fact, I do not think she could lie absolutely fully extended.

Because?—Because her length is greater than the total length of the bath.

Now, supposing in any one of those four positions there came on an epileptic seizure to that woman. I think you describe the first stage as a stiffening of the whole body?—Yes.

And does the body remain stiff for a time?—For a few seconds.

When stiff in the first stage of an epileptic seizure, is the body straight?—Yes.

Is it straight, or is it stiff in any bent position?—It would be stiff, and the legs would be extended—the arms and the legs.

Can you give us any information as to that first stage of an epileptic fit, if a person were kneeling when it came on?—In all probability the person kneeling would fall forward face downwards in the water at that stage.

And a person sitting would remain sitting; or would she straighten out at all?—She would straighten out.

In the second stage you told us about—take the case of that stage, with a bath three parts full of water, with the body in it; that is to say, having made allowance for the rising of the water by the displacement of the body?—Yes.

In such a bath as that at Herne Bay, do you think it possible that Miss Mundy could have been submerged?—I think it is highly improbable.

In any one of those four positions?—In a sitting position I think it is very improbable that she should be submerged, but not absolutely impossible. In the lying position, lying at full length, the same applies—I think it is highly improbable, but possible. In the standing or kneeling positions, if she fell face downwards in the water, she would probably drown, owing to her unconscious condition.

When the third stage implies relaxation of the body?—Yes.

And unconsciousness?—Yes.

Now, we have heard described by Dr. French here that the woman was with her back towards the sloping end, and resting wholly or partially against it—the back of her head resting on the sloping part, and her legs straight out from the hips, resting up against the narrow end of the bath?—Yes.

Can you give us any help at all as to how a woman could get into that position who has suffered from an epileptic fit?—No, I cannot.

Is it possible?—I do not see how the feet could be raised into that position in the bath.

In the first stage of epilepsy, the body being stiffened, the legs are extended?—Yes.

Stiff and extended. In that stage would they be against the

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end of the bath?—Not against the upper part, no. The feet would be against the end of the bath, but at the bottom of the bath.

In the second stage, where there are contractions in the limbs, movements of the limbs, contraction and tension, could the feet get against the end of the bath?—Not in this position. They would probably touch the end during their extension in the movements; but they would not be likely to be raised to any extent in the water.

And the third stage, that of relaxation, limpness?—The legs would lie at the bottom of the bath.

The account given by the prisoner, if I quote it accurately, is that he pulled her head right out of the water, and laid it over against the side of the bath—over the side of the bath—I will get it accurately—"I pulled her head right out of the water, and rested it on the side of the bath. I then went straight for Dr. French. I asked him to come. I went back at once, and had just got upstairs when I heard the doctor coming. I called him up. Her head had sunk down again in the bath, her mouth being on a level with the water"—Yes.

Supposing the woman were pulled up out of the water in that way, her head rested in that way, could you give us any help as to how her legs would have got into that raised position, her head resting on the side of the bath?—No, I am afraid I cannot.

Of course, I am taking it for the moment that that is true?—Yes.

You cannot give us any explanation as to how that could have occurred?—No, I cannot.

Now would you go, please, to the Blackpool case? Bearing in mind the size and bulk of that woman's body and the size of that bath, would you deal with the position or positions, with the woman's feet towards the narrow end first? If there had been any sudden collapse of Miss Burnham whilst in that bath, whilst standing, could she in that bath have been drowned?—Standing facing the foot end?

Facing the foot end first?—If she had had a sudden collapse and managed to fall face downwards, or more probably obliquely, she might be drowned as the result of submersion.

In the kneeling position?—The same applies there.

In the sitting position?—I think that in the sitting position it would be impossible for her to become submerged as the result of a fit—an attack.

And in the lying position?—The same applies there again—I think it would be impossible.

Taking the same positions, her body round the other way. You have already, I think, told me yesterday it would be difficult, if not impossible, for her to sit at that narrow end?—Yes.

I think you said so?—Yes.

Assuming she was sitting somewhere up so as to allow for the width of the bath for her buttocks to rest on the bottom of it,

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can you say as to, first of all, standing, then kneeling, and then sitting?—The same applies to the case of standing and kneeling as when the body is facing the other way. If she fell face downwards, the submersion might cause her death. In the sitting position I think it would be impossible again for submersion of the face to occur.

Or, if lying—was it possible for her to lie in that end?—No, she could not have lain at that end unless the body had been obliquely to one side—a very uncomfortable position.

She was found at that narrow end sitting in a posture——

By Mr. JUSTICE SCRUTTON—Leaning back.

By Mr. BODKIN—Slightly leaning back. I think the witness made a mistake. If she had gone right back whilst sitting where Dr. Billing put those marks on the bottom of the bath, how would her head be?—I think in all probability the head would have come into contact with the taps at the back; but if she were sufficiently high up the bath to miss the taps, her shoulders would probably become wedged against the sides of the bath.

You mean the width of the bath there was not sufficient to allow her shoulders to come down?—No.

By Mr. JUSTICE SCRUTTON—That is a matter, gentlemen, that when you examine the baths you will probably be able to find out for yourselves, making an allowance for the difference of figure; that is a matter you had better look into when you see the baths and try for yourselves.

By Mr. BODKIN—Now take the Highgate case. Bearing in mind the build of the woman and the size of the bath, what answers do you give as to the four positions, facing the narrow end?—There again, in the standing and kneeling positions, it might cause death if the face became submerged by falling forwards. In the sitting position, facing the narrow end, it would be very unlikely that submersion would occur; and the same applies to the lying position.

Now take them round the other way?—There again, in the standing and the kneeling positions, the same holds good. In the sitting position it is extremely unlikely that a fainting attack would cause death; the body would be supported by the end of the bath, and in the lying position it is possible.

And the bruises that were found on the left elbow might have been caused by rubbing against either the sides or the top of the bath—the wooden top?—Yes, they might, by blows against the side or top.

The prisoner has described that he found her lying in the bath of water on her left side?—Yes.

Can you say anything as to that in connection with the position of the bruises on the left arm?—I should not have expected bruises on that arm if she were lying on the left side, because that arm would be pinned underneath the body, between it and the bath.

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Would the weight of the body, supposing the left arm be underneath it, be enough to cause the bruising?—Oh, no, the weight of the body is very slight in the water.

There is a certain amount of buoyancy in the water?—Yes.

If it is in a breathing person?—Yes.

Now, would you tell me, supposing a person fainted, had a fainting attack, a person taking a bath, during fainting does the breathing, respiration, go on?—To a certain extent—very slight respiration.

Can you give us any opinion at all as to what would be the result, if a person got submerged—I mean the face submerged whilst in a faint, the water would come into the mouth?—Yes, and it would pass down into the windpipe.

What effect would that have?—It would have a very powerful smarting effect, and would probably recover the person from the faint.

Why is that? How does that come about?—The presence of any substance, fluid or solid, in the air passages is a very powerful stimulant to the body and the nervous system.

The nervous system setting the muscular system in action to clear it away?—Yes, it is partly that, but it is more general even than that; it is an expulsive effect, trying to expel the substance, and there is also the general stimulative effect on the body.

Drowning is a form of suffocation, is it not?—Yes.

What are the stages of drowning, or what would be the progress of suffocation up to the point of death?—A good deal would depend on whether the submersion was complete or incomplete; whether the patient rose to the surface and got air, or whether the submersion was so complete that there was no access of air.

If a person got submerged and remained submerged?—Yes.

What would be the length of time and the progress of such a death?—If submersion were complete, the longest period during which the patient could survive would be about five minutes; and death would probably ensue in less than that time, and in some cases it might be either instantaneous or within a few seconds.

Are you dealing with a case there of a sudden immersion?—Yes.

Would the fact of being suddenly submerged give any shock to the system?—Yes, if it were unexpected; it might even if it were expected.

And if a shock is received, due to a sudden submersion, would consciousness be kept, or would that be lost?—That would be lost at once.

You mean immediately after submersion?—Yes.

Or almost immediately?—Actually immediately.

Would the person be able to make any sound?—No, in no case when once the face was under water—if the mouth and nose were under water; it would be impossible.

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Would a person suddenly submerged be able to make any efforts?  
—Yes.

To move—muscular efforts?—Unless unconsciousness came on very rapidly.

When the death occurs through suffocation, would the brain become congested?—Usually.

Would a person who had that amount of thickening of the mitral valve which Miss Burnham had be a person more likely to suffer—to become unconscious directly on immersion?—I do not think it would render her more liable.

Taking Miss Mundy's case at Herne Bay, I think you said you noticed the existence of goose flesh?—Yes, goose skin.

I mean to say goose skin?—Yes.

Does that indicate at all to you whether she died rapidly or not?  
—Yes, it indicates that the death was a sudden one.

Is that condition consistent with sudden death from submersion?  
—Yes, quite.

If she died of drowning?—Yes.

It is said the evidence is that in her hand there was held a piece of soap. Can you give us any opinion about that, as to the grasping of any object by the person suddenly submerged?—If consciousness is retained, a person does grasp at any object within reach—anything—that touches the hand may be grasped during the struggling.

Supposing the person having something in the hand suddenly loses consciousness from submersion, could you give us any opinion about that?—If only consciousness is lost, the soap or any other object would probably drop out of the hand by relaxation.

Yes?—But if death occurred immediately the contraction of the muscles of the hand might pass instantaneously into the death stiffening, and the object might then be retained after death.

Have you had actual experience of that?—Yes, I have.

Supposing a person happening to have something in his hand fainted?—The fact of fainting would cause relaxation of the muscles, and anything in the hand would be released.

In a fit?—In the first stage of the fit, anything which was grasped in the hand would probably be retained in the hand, but in the second stage, during the movements of the body, it is more likely that such an object would fall out of the hand again, and would certainly fall out in the third stage of exhaustion.

If a person having something in the hand whilst in a bath, such as soap, if sudden death followed on unconsciousness immediately, do you say that might be retained?—Yes, owing to this condition of instantaneous death stiffening.

By Mr. JUSTICE SCRUTTON—Supposing there was relaxation and an object in the hand, the hand would then stiffen and would relax, and stiffening would afterwards follow. Do you follow me?—I think

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I quite follow, my lord. It is usual that the instantaneous stiffening would keep the hands in the same position as they were; it would be likely to.

By Mr. BODKIN—To keep the ante-mortem position?—Yes.

Now, have you experience of the condition of a woman during and towards the end of her periods—as to her temperature?—Yes.

Is there any change in the temperature experienced in some cases?—It may be so.

Is headache an accompaniment sometimes of the period?—Yes, it is.

Of course, we know it is due to numerous causes?—Very many causes, yes.

Cross-examined by Mr. MARSHALL HALL—I am a recognised authority upon health, and I am invariably called in by the Treasury for the purpose of all matters of this kind.

The question of death in a bath is a matter that has interested the medical profession for some time, has it not?—Yes.

I mean, even while this case has been pending there have been two, at any rate, cases reported in the paper, in one of which you were engaged as a witness?—There have been several I know.

There were two particularly. Do you remember the case of a servant girl in Yorkshire in April?—No, I have not heard of that case.

The other case is, I think, the case at Islington where you yourself were called in as a witness?—Yes, I was.

A man named—there is no harm in mentioning it—Mr. Vicar?—Yes.\*

And there you found, did you not, bruises?—Yes, a number of bruises.

I think you said that there were several recent bruises, probably caused by the deceased striking himself against the bath, or they might have been produced in the removal of the body?—No, I did not say that; I said they could not all have been produced in removing the body.

But some might have been?—Some might have been produced in removing the body.

I am reading exactly what I have here. You said "some"?—I said "some." I think the newspaper report is not very accurate.

Did you say this—you thought death was due to suffocation by drowning,—but there was not sufficient to account for the death. The

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\* Archibald Vicar, 48 years; the P.M. was held at Islington on 3/6/15. The deceased was found in the bathroom in a bath half full of warm water about 8 a.m. Head and shoulders were out of the water. The man was semi-conscious. He died about 8.45. There were a number of recent bruises, all inflicted during life, some possibly in removing the still living body from the bath. The jury returned an open verdict. It was a case of accident or suicide. (From a communication from Dr. Spilsbury to me.)—E.R.W.



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body must have been under the water, but in his struggling his head must have come up again?—Yes.

There was no distinct evidence that the deceased had had a fit?—No.

You did say that?—I know I said there was not sufficient to account for a fainting fit.

In that case the question of foul play was absolutely eliminated?—As far as one could judge I should think it was, yes.

You have not seen the case at Calverley, Yorkshire?—No; I have not heard of that case.

Now, I want to deal as shortly as I can with your evidence. The evidence that you have given is the result of a carefully and honestly formed opinion on your part?—Yes, it is.

Let me deal first of all for a moment with the position. No post-mortem has taken place in the case of Miss Mundy?—No.

I think you yourself made the post-mortem two and a half years after death?—Yes.

May I take it that the actual result of that post-mortem was that, owing to the condition of decomposition, it was impossible for you to form an opinion as to whether the body was that of a healthy woman or not?—That is so.

And you would not in a case of this importance undertake to form any opinion as to what her state of health was during her life?—Merely from an inspection of the body?

Merely from an inspection of the body?—Yes.

In the other two cases at Blackpool and Highgate there had been a post-mortem examination?—There had, yes.

You have yourself, I take it, read the reports of the inquest in both those cases?—Yes, I have.

You have had the advantage of seeing the doctor in all three cases?—Yes.

Dr. French, Dr. Billing, and Dr. Bates?—Yes, I have.

In the Highgate and Blackpool cases, where there had been post-mortem examinations, did you find anything in the post-mortem that you made that was divergent from the report of the two doctors who had made the earlier post-mortem examinations in those cases?—No, nothing at all. I should add that I found much less than they did owing to the changes.

Owing to the lapse of time?—Yes.

But as far as you could judge, they were carefully and skilfully made post-mortem examinations?—Yes, they were.

May I take it that, as a result of your interviews with Dr. French and those two medical men, you have come to the conclusion that they are not only competent but honourable members of their profession?—Oh, certainly they are.

I wanted to see whether I had understood the result of your opinion. With a view to saving time, do I understand you to say

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that you have come to the conclusion that in the Herne Bay case—I am confining myself to that for the moment—that in the Herne Bay case accidental death was so improbable as to amount in your mind to impossibility?—Almost to impossibility.

Almost—I will accept your candid admission; you say almost?—Yes.

The soap is a very difficult problem?—It is.

There is no theory under which you can deal with the clutching of that soap satisfactorily with the theory of a violent death—no absolute theory; you have got to make some qualification?—I think one would assume a violent death in order to account for the soap being there.

I mean a violent death from an outside agency, that is to say, from a person deliberately murdering her?—Yes.

It is very difficult, because assuming the attack was a hostile attack, that is to say by what my learned friend suggested, pulling up the feet—coming into the room with the woman in the bath sitting or prone, I do not care which, and pulling up the feet—one of two things must happen. Either she puts out her hands, in which case her arms would go over the side of the bath?—Yes.

Either puts her arms out over the sides of the bath, in which case the soap would drop outside, or, in the case of a struggle, she would loosen her hold of the soap in order to try and save herself?—Yes.

The clutching of the soap does lend some probability to the theory of epilepsy?—It is not impossible; it is not very likely.

Can you account for this. I ask you—I do not know what the answer is—could you possibly force a piece of soap into a person's hand in simulation of its having been clutched in the act of death—could it be done?—I do not think it could.

I thought that would be your answer, though it was a dangerous question to put. My learned friend has acceded to the suggestion I made, he has not asked you for a possible theory, and therefore I have not had an opportunity of objecting to it. I take it that if this woman had filled that bath herself by a repeated number of journeys from the ground floor to the first floor, that would have produced a certain amount of exhaustion if it had been done in the morning by about twelve or thirteen journeys?—I do not know how many journeys it would have required.

I think we have had it given, although it is very difficult to get it exactly, because, of course, the quantity of water is not known; but it is said to have been three-quarters full with the body in it, and the doctor has marked it. The displacement of a body of that size would be considerable, would it not?—Yes, it would.

I do not accept the exact measure, but there would be a considerable number of journeys to fill that bath with the bucket?—There would.

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The temperature of this bucket being so nearly cold that the doctor says he thinks it was slightly raised—he will not undertake to say it was raised above the temperature of the surrounding atmosphere—would that strike cold to a person coming out of bed—you follow me—on a hot night like this?—Yes; it would probably, if it were the same temperature when the person took the bath.

If you got into a bath feet first, as we know most people do—we know it would be a very hot night?—Yes.

And we also know that the doctor had seen her the night before when she had been raised from sleep, and says she was clammy and perspiring?—Yes.

If a woman whose temperature has been raised by a night in bed like that, the bath having been prepared over night, suddenly gets into a cold bath, there would be a considerable shock?—There might be; it is partly a matter of surprise.

Anybody getting into a bath normally—just deal with it normally—would get in somewhere about the middle?—Yes.

The feet would enter somewhere about the middle—a point between the top and the bottom?—They would get in on the flat part on the bottom, certainly.

Outside the slope?—Yes.

Somewhere between the middle and the bottom of that slope — Yes.

I mean normally, that is what one would expect?—Yes, of course.

Have you ever known of a case—in your experience have you had the misfortune of getting into a bath and as you were sitting down slipping up?—Yes, I have.

In which case, of course, your feet would come down out of the water?—Well, not out of the water—they would come down to the bottom of the bath.

That is the natural motion of the body getting into the water—sitting down and slipping—for the feet to go upward and the head to go backwards?—The feet would certainly go forward, but I do not think they would go upwards.

Would not they?—I do not think so.

I suggest to you it is in this way—the semi-circular sweep of the bath would cause it?—I do not think that is likely. The body would not be likely to be held so rigidly as that.

You think the only effect of that would be to come to a dead stop with the feet against the bottom sitting square in the bath?—Yes.

If a human being feeling the body slipping from the buttock flexed the knee, they would get below with the head under water; you follow what I mean? If in the effort to save yourself from falling forward you flexed your knees, then I mean there is nothing to prevent your head going under water?—If the body slips far enough.

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It is according to how far the knees were flexed?—Yes. They would not necessarily slip until the feet reached the bottom of the bath—that is what I mean.

You mean the bottom end?—Yes, I say the body would not necessarily continue to slip down.

It could not slip beyond of course. It would slip until the knees and feet which were at that angle came into contact with the bottom end of the bath?—Yes, it might do so.

Is it your carefully formed opinion that this woman never had been subject to any form of epileptic fits?—None of the evidence I have heard points to that, I think.

That is to say you see no positive evidence of it?—No.

Is the negative evidence conclusive in your mind?—No, it is rather difficult to express an opinion on negative evidence.

Epilepsy is a very difficult subject; it has got varied symptoms?—Yes, it has.

And, of course, they are extremely varied in degree?—Yes.

May I take it that many people have suffered from a very modified form of epilepsy—a very modified form of attack—without being epileptics?—Oh, yes.

But I do understand you to say, and I appreciate the importance of it—in your opinion if the fit had been true epilepsy you would get the first moment of rigidity, and that would prevent the trunk part of the body from going under water?—Yes.

That is assuming the rigidity to be absolute rigidity the body would not lie on the buttocks at all?—Quite so.

In some cases of epilepsy you get a bending of the body, do you not?—Not at this stage.

Never at the early stage?—No.

You realise and appreciate, I am sure, that the evidence that is given as to the position of the body when seen by the doctor—I am dealing with Herne Bay still—is obviously the position that was not the original position of the body when found by Smith. I mean the body had been moved—if Smith's statement is accurate the body had been moved?—Yes.

My friend put in this morning that he did something, that his statement was that he had raised the body and propped the head up on the side of the bath, and it might have slipped back. You do not think that would have happened?—I cannot account for that.

Is death by drowning in any sense of the word a very sudden death?—It depends upon whether the submersion is complete.

Let us take it if this bath was three-quarters full of water with the body in it, if you saw the body and you could form the opinion that it was a well-covered, well-nourished, and well-preserved body—I mean a well-covered body from the point of view of proportion, well proportioned, that body would displace

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in that bath about 30 per cent., would it not, of the water?—Something like that, yes, 30 per cent. of the full bath.

Therefore a little more than 30 per cent. of the three-quarters?—Yes, that would be so.

And if 30 per cent. of the bath full, it would displace nearly 60 per cent. of the half-full—you follow what I mean?—Yes, I see what you mean.

So that in order to find the displacement of that body, of course it is not the weight of the body, it is the external contour of the body which corresponds with the amount of displacement?—The volume of the body.

The volume of the body in health. The bath would be less than half-full if it was three parts full with the body in it. Do you follow what I mean?—No, I do not quite agree with that.

Mr. JUSTICE SCRUTTON—Are you taking as the basis of your calculation the slope of the bath?

Mr. MARSHALL HALL—I am trying to. I am also taking into account the slope of the bath.

Mr. JUSTICE SCRUTTON—Of course, the top would have a great deal more water than there is at the bottom.

Mr. MARSHALL HALL—I quite follow. (To witness)—If the bath was a square parallelogram, of course, it would be a totally different thing, but as you get upwards there is more water for the body to displace?—Yes.

That is to say, the body would occupy a smaller space at the top than at the bottom?—A smaller space after death, yes.

It would be distributed in a thinner volume over a larger area?—Quite so.

I want to get at the actual amount of water in that bath, if I can; we have got to keep it somehow before us—before the woman gets into the bath at all, assuming it was correctly marked by the doctor at practically three parts full with the body in it, the upper part is the bigger part and the lower part is the smaller, so that it is the smaller part that has been filled?—Yes.

Now, if when the body was lying fully submerged, as we know it was, would you get almost the whole actual displacement?—Yes, you would.

Mr. JUSTICE SCRUTTON—There was some portion of the head and some portion of the feet out of water, if I follow.

Mr. MARSHALL HALL—Assuming the line of the water was about *there*, and the head to be slanting, the level of the water came, according to the doctor, to *that* point—taking the line of the lips. (To witness)—It was a sloping line over the upper lip?—Yes.

So that you would get almost your maximum displacement of the whole body?—Yes, you would.

Do you not think, as a matter of fact, there must have been much less than half the bath full?—I am afraid a moment ago I

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made an error; I do not think it would represent one-half displacement—it would be less than that.

Do you really think so?—Yes, I think so—I think probably 20 per cent. would be nearer the truth.

20 per cent.?—Yes, I think so.

Of that bath, that is the total displacement?—Of the total volume.

May I have the Herne Bay bath brought in. The Herne Bay bath is the smallest of the three?—Yes.

The Blackpool bath is rather larger than the Herne Bay bath, and rather smaller than the Highgate bath?—No, the Blackpool bath is the smallest.

By Mr. BODKIN—In its total capacity?—Yes.

By Mr. MARSHALL HALL—Its total length is larger?—Yes.

It is very narrow?—Yes.

I daresay the jury would like to have the real measurements. It is 5 feet 3 inches at the top and 3 feet 8 inches at the bottom; the Blackpool one is 5 feet 3 inches at the top and 3 feet 9 inches at the bottom; and the Highgate one is 5 feet 6 inches at the top. I can illustrate so much better what I want to ask you if I have the bath in. (The bath was brought in.) I think you could see better down here?—Yes, I had better come down.

I am assuming for the purpose of my question that that mark put by Dr. French is the level of the water when the body is in it?—Yes.

Would you kindly lend me his measure. (Measure handed to counsel.) To get that mark that is as near as possible 11 inches—you cannot get it quite accurately, but as near as you can get it, it is 11 inches?—Yes.

Therefore, if you are right in your 20 per cent., there is very little—there is no violent difference in the superficial capacity in the bath, is there?—No.

Therefore, if your 20 per cent. is correct, it would be only a little over 2 inches lower if the body was out of it?—No.

By Mr. JUSTICE SCRUTTON—I think the percentage was of the whole contents of the bath?—Yes, the general contents.

By Mr. MARSHALL HALL—I was going to suggest, therefore, if it is 20 per cent. of the whole contents, it would be, of course, considerably more than 20 per cent. of that much (pointing)?—Yes, it would.

At least 30 per cent. of that?—Oh, yes, quite.

So that we should get, if you agree to that 30 per cent., at a fair estimate of  $3\frac{1}{2}$  inches?—Yes.

Somewhere between 3 and 4 inches, and considerably more than  $2\frac{1}{2}$  inches.

Would you mind with that red pencil marking it? I will hold it out at  $3\frac{1}{2}$  inches—would you mind making a red line.

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(The witness marks the bath.) You and I have come by quite a different method to the answer to the question I asked—the bath would not be more than half-full when she got into it?—No, it would not.

MR. JUSTICE SCRUTTON—Under 30 per cent.—it would be about 28 per cent.—27 or 28 per cent.

By MR. MARSHALL HALL—I really put it at 30—I am not sure the jury will not put it at much about the same as I do—I am doing my best. Therefore, I put it to you the bath would have been about half-full when the woman got in?—Yes, and I say half-full in the sense of the depth of the bath.

That is what I mean, that it would be about half the way up the bath full?—Yes, it would.

Now, you see it would be very difficult to arrange with the bath half-full of water—I mean to be able to pull up her feet from the end. What is her measurement from the bottom of her back to the point of her breasts?—I do not know.

You do not?—No.

If she was normally thick there. Now, you have had an opportunity of course of seeing Dr. French?—Oh, yes.

And you have no doubt that the opinion that he formed at that time was an honest opinion?—Oh, certainly, of course, no doubt of that.

Although you think it is a mistake?—I think that anybody might have formed that opinion at the time.

It is no more than fair to Dr. French to say that anybody might have formed that opinion at that time; assuming the statements to be true, you might have formed that opinion?—Oh, yes, certainly.

And you accept the corollary of the question, that the information given to him, if accurate, was sufficient to justify him?—Oh, certainly.

Now, I was asking you this. Assuming that this woman was absolutely drowned by the agency of the prisoner in this bath of water, with the depth of water we have now endeavoured to ascertain, at what moment do you think death would supervene having regard to the lowness of the water and the extent of immersion?—It might follow immediately after immersion.

When you say immediately—do you mean a matter of a second?—A second or two—from the shock.

Forgive me if I am asking a foolish question, but do you really suggest if you are pulled right up by the feet, it is very difficult, is it not, to get the nostrils under water in that way? You have got that depth of water in that bath; you pull the woman's legs up in the air; that is to say, you pull the trunk forward?—Yes.

And the head is up in the air—the face upwards?—Yes.

## Evidence for Prosecution.

Dr. Bernard H. Spilsbury

What would be the depth of the bath under the head?—Somewhere about 8 or 9 inches.

About 8 or 9 inches?—Yes, somewhere about that.

With 8 or 9 inches you would keep the nostrils outside?—Not with the amount of water that has been described.

With the amount of water you have marked?—Yes. The body is not out of the water; the body is in the water, and displaces the amount of water equivalent to its volume.

Would it not have been absolutely necessary for you to hold the nostrils?—It would be necessary to hold the head under the water.

If you had to hold the head under the water, you would get marks on the head?—Oh, no, not necessarily—pressure would not produce marks.

You really think it is impossible?—Oh, I am sure it is.\*

To do that by pulling up the body in that way?—Yes—pulling up the legs.

What is she doing with her hands all the time?—If she remains conscious she is making efforts clutching at anything that was near.

And do you really mean seriously to suggest—mind, we are dealing with possibilities—do you really suggest practically that the woman, under circumstances like that, would clutch at this piece of soap and grasp it?—Yes, she might very well have done so.

Instead of putting up her hands to save herself from being pulled down?—Once under water, she would be unable to do anything.

You follow what I mean—the woman sitting in the bath?—Yes.

Or even if she is lying as far prone as she can get with that bath of water, that is to say with her head resting on that bath she could not get quite in—naturally because the length would be much less at the bottom?—Yes.

The moment she sees anybody—this man—clutching hold of her feet to pull them up she has only to drop the soap, if she had it in her hands, and seize hold of each side of the bath, and he could not pull her up?—Yes, I quite follow that.

Do you not see that that is a serious difficulty in the way of the theory of drowning in the way suggested?—It is all a question of surprise. If it is done sufficiently quickly there would not be time to do that.

But a person approaching her from the front does not surprise her so much as a person approaching from behind?—She might not be alarmed by the approach.

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\* Dr. Spilsbury writes to me as to this—"The meaning of my answers to these questions is that the pressure of an assailant's hand upon a woman's head necessary to keep the head under water would not necessarily produce bruises upon the head." The detectives ascertained this to be so from the experiments I have alluded to.—E.R.W.



# George Joseph Smith.

Dr. Bernard H. Spilsbury

But surely she would be alarmed when she saw a man coming down to catch hold of her feet, and the first upward movement of her would lead her to instinctively move her arm, and the result would be to pull her side under?—By the time that process is commenced, the whole thing would be done.

Do you really say that the effect would be so immediate that she would be precluded from struggling?—Yes, I think she would, and even from crying in some cases.

Would not the struggling be instinctive—almost automatic?—It would take a moment for the struggle to develop.

I admit that she would not be frightened by the approach—I have admitted that. There is roughly 2 feet 8 inches from the bottom of the spine to the top of her head—roughly?—Yes, roughly.

Roughly 2 feet 8 inches, and it might be 2 feet 9 inches. You may give her the benefit of that.

By Mr. JUSTICE SCRUTTON—Do you put her height at 5 feet 7 inches?—5 feet 7½ inches.

That would make it 2 feet 8 inches or 2 feet 8½ inches?—It might be rather more; it might be 5 feet 8 inches or 5 feet 7 inches; she could possibly be 5 feet 9 inches.

Mr. JUSTICE SCRUTTON—That makes it 5 feet 6 inches and 2 feet 9 inches.

Mr. MARSHALL HALL—Yes, so it would be 2 feet 10½ inches, if you make her 5 feet 9 inches. (To witness)—So that she would be sitting with the whole of her head above the level of that bath?—Yes, if she were sitting upright.

The bath is only about 17 inches in depth?

Mr. JUSTICE SCRUTTON—16 inches and a bit.

Mr. MARSHALL HALL—16 inches and a little bit. (To witness)—So that you see there is 2 feet 9 inches against 16 inches—that is a wide margin?—Oh, yes.

And it would be no serious effort to raise her hands and her elbows above the level of the bath?—No serious effort, no.

I suggest she would do it instinctively in spite of it being her husband if she thought it might be in fun—if only in play. Assuming that she did not attribute any evil motive—that it was merely a silly thing, just like when boys are bathing, they duck each other in the bathing pool?—Yes.

But the instinctive action would be of the arms and the elbows upwards?—Certainly, but that instinct takes some time to develop, just as in the ducking case the boy takes time to appreciate he is being ducked.

But in this particular case, surely the instinctive apprehension would be instantaneous with the instinct of self-preservation?—Well, it would be very quick, of course.

Therefore, it comes to a question of instinct?—Yes.

# Evidence for Prosecution.

Dr. Bernard H. Spilsbury

I do not think I can usefully deal with that probable case any further—you have given us your opinion. You have said it is not absolute, but you put it in the high degree which you have expressed. Now, let us come to the next—come to the Blackpool case. Have you had any experience of what ladies do in baths, especially nurses, who are very clean people?—Yes, they are.

Very clean people, indeed, and you have no doubt heard what the doctor told us that in his opinion the temperature of the Blackpool bath was about 100—a warm bath, a hot bath?—Yes, that would be a hot bath.

You would call it a hot bath?—Yes.

One point above blood temperature?—Yes.

And if it was about 100, as the doctor put it, it was in all probability slightly more than 100 half an hour earlier?—Yes. I understand the estimate was only a rough one.

I quite agree, but if it was only 100 when he felt it in the natural process of cooling, it would be more than 100 when she got into it?—I should think it very likely, of course.

People do take baths at 104?—Yes, I have no doubt they do.

You saw the Blackpool bath *in situ*?—Yes, I did.

That was the wooden cased-in bath?—Yes.

Mr. JUSTICE SCRUTTON—Do you want that bath brought in?

Mr. MARSHALL HALL—No, my lord, I do not think it matters—I can make my point without bringing it in. (To witness)—That bath as produced here does not show the exact position of the taps?—No, it does not quite.

Did you notice where they were—that the fittings came almost level with the top of the bath?—They were some little distance above the level.

That is what I wanted to get, and there was a hot and cold tap?—Yes.

Separate taps?—Yes.

Have you known of women washing their heads in the bath?—They may wash their heads in the bath.

Wash their hair?—Yes, they may do.

One of the chief things a woman will do when she washes her hair with shampoo powder or soap, is to be very careful to get the powder or soap out of it?—Yes, that is so.

If you are in a bath when you are using soap, you cannot get the soap out of your head very well by simply rinsing it with that soapy water?—No.

And therefore the hairdresser provides the operative nozzle with a shampoo apparatus?—Yes.

The very natural thing for a lady to do would be to lean forward and put her head under the tap, and let the fresh clear water run on her head?—That would be one method of doing it.

Assuming a woman had had a fairly hot bath and she was

# George Joseph Smith.

Dr. Bernard H. Spilsbury

not in a very healthy condition—that is the evidence we have got, and she was rinsing her hair in this way and got a sudden fainting fit, would she not fall backwards—she would have to turn round to wash her head under the tap?—I do not quite follow the position you assume her to be in.

I suggest, and it is a pure suggestion, because it is not suggested anybody saw it, it is the position antecedent to anybody coming into the room, but kneeling in the bath with her face towards the tap she puts her head forward for the purpose of rinsing her hair with clean water?—I think it would be almost impossible for her to rinse her hair in that bath in the position you suggest.

Did the taps project over the bath?—Yes, they do, slightly.

If the water will pour from the tap to the bath, it will equally pour over her head?—It wants a certain clearance.

It would want a certain amount of clearance, I agree, and therefore it would make the operation all the more difficult?—Yes.

It involves getting her head down more than if there was a greater clearance between the tap and the bath?—Quite so.

The mere fact of bending the head down might cause a flow of blood to the head?

MR. JUSTICE SCRUTTON—I do not follow this. What is supposed to happen—that she is in the water and putting her head under the tap?

MR. MARSHALL HALL—She puts her head under the tap, turns the tap to get it running, and then faints.

MR. JUSTICE SCRUTTON—And the water goes on running?

MR. MARSHALL HALL—And the water goes on running, I quite agree. (To witness)—Suppose the water goes on running, or supposing there is time for her to turn the water off, and she faints in the act of getting back, would it not be possible?—I do not think so.

It is purely suggestion, because no human being was there to see it?—But then her shoulders were so broad, and that end of the bath is narrow.

And, of course, there is no evidence. We have got the evidence given by the doctor here, and the doctor says, “When I got there I found her in the bath, and her husband was holding her head out of the water,” and the husband says, as my learned friend has put it, “I found my wife underneath the water. I lifted her head up and held her up,” so there is no evidence one way or the other what was the exact position of the body when first found in the bath. Now, this good woman had a very serious attack of septic peritonitis?—I cannot form an opinion of the degree.

We have the evidence of the doctor that the operation was imperative?—Yes.

And you know, and the jury know what the cause of that septic peritonitis was?—Yes.

# Evidence for Prosecution.

Dr. Bernard H. Spilsbury

Of course, septic peritonitis is often more serious than ordinary peritonitis. Is all peritonitis septic?—Not all, but most of it.

Now, having regard to the cause of that illness, would you call her an absolutely healthy woman? Do you think in December, 1913, she was an absolutely healthy woman, having regard to the fact that she had had an operation for septic peritonitis in the preceding March?—She had apparently completely recovered from that.

But an illness of that kind leaves its traces?—Do you mean on the general health?

I mean on the general health?—I do not think it does, but it may do in some cases. I find in the majority of cases the recovery is complete.

And I understand you to say, even supposing you accept the theory that she had a faint in the bath?—Yes.

That in all probability she would have recovered consciousness at the moment of submersion?—Yes.

You know that the doctor has told us that she was under medical care until November?—Yes, I know.

Do you take that to mean merely surgical care?—Yes.

Owing to the nature of the disease which had caused the necessity of the operation?—Yes.

Has that illness, as far as it develops, a very serious weakening effect?—While it lasts.

While it lasts?—Of course.

It is a great drain on the system?—Yes.

And when it ceases to be acute and becomes chronic, it is still a drain?—To a certain extent, yes.

It must be, must it not, and a woman who up to November has been receiving medical care on account of an illness of that kind would be more likely to have a fit than a woman in perfect health?—A fit in December?

What?—Fit, you mean, in December?

Yes?—I do not think it would make any difference.

You would not expect to find post-mortem symptoms of the specific disease?—Oh no, especially after drowning in a bath.

That would all be washed away?—Yes.

There would be no enclosed urine from which to form an opinion?—Probably—certainly when I examined the body.

Now, in addition to this illness, and I tell you candidly I attach much importance to the question, there is the condition of the mitral valve and the heart. The incipient fatty degeneration is another matter?—Yes.

It is a very insidious thing?—Yes, it is.

I mean as far as any auscultation may disclose, you may be perfectly well and yet get fatty degeneration within a very few months?

—Fatty degeneration may develop within a few months.

# George Joseph Smith.

Dr. Barnard H. Spilsbury

I say it may develop and become serious within a few months?—Yes, it may.

There is no absolute means of diagnosis of fatty degeneration by external examination?—Not when it is slight.

Not until it has developed to a considerable degree?—No.

And to discover it by auscultation, or by external examination is a matter of great difficulty?—Yes, it is.

In fact, the diagnosis is nearly always obtained from sounds?—Yes, not altogether from sounds, of course—there is the pulse.

Sound or movement?—The pulse and other conditions.

And a very slight error in hearing will make a grave error in the diagnosis?—Oh, yes, that is so.

We know that in many cases a man has been taken to be dead when he is not dead at all?—Yes.

I mean perfectly honestly—I am not suggesting for one moment any quackery of any kind?—Oh, no.

A perfectly honest opinion formed by a high-class man?—Yes.

Being misled by the sound?—Yes.

If there was any serious degree of fatty degeneration—I do not mean sufficient to cause death under ordinary conditions, but of fatty degeneration in its early stages, would that predispose to fainting in hot water?—It would depend on the degree.

I agree, but even in a small degree it would create a small disposition to faint?—Yes.

Because it impedes the heart's action?—It might do so.

In all faints, the difficulty is the failure of the heart to save the situation?—Yes.

After all, death is always failure of the heart's action?—Yes.

So that if you have anything that impedes the full action of the heart *pro tanto* to that extent it will predispose the individual to be more liable to an attack of fainting than if the heart was absolutely sound?—That is so, yes.

Now we will pass away from that to the Highgate case. Your lordship will not take it that I am admitting evidence that I do not challenge, but I want to avoid occupying a long time on every point of it—of course, I am challenging this evidence. Now, take the Highgate case. You have a very difficult state of things there, if Dr. Bates is right?—Yes.

It is a very difficult problem, and I think you heard me attempt to cross-examine Dr. Bates yesterday, when he admitted to me very frankly that his opinion was that she was suffering from the chronic epidemic form of influenza. Would you agree with him that her condition was much complicated with gastric trouble?—Yes, it was.

And any gastric trouble which was the result of chronic influenza at that time would be a serious factor in considering the case of sudden death in a hot bath—I will not say would be, but might be?—It is possible; it would depend on the degree.

## Evidence for Prosecution.

Dr. Bernard H. Spilsbury

You might get a state of cramp?—Yes, that is possible.

There again we have got your evidence. The medical examination seems to have been carefully performed?—Yes.

And Dr. Bates speaks of nervous depression. Now as to the bruises, doctor; would you like to say that the bruise which you found on the left arm could not have been caused in removing the body from the bath?—I do not think all of them could; there were three bruises altogether.

One was objective in the sense that you could see it on the skin?—Yes.

And the other two you could only see in the post-mortem?—Yes.

How do you think they were caused?—I think in all probability, and assuming they actually occurred at the time of death, they were caused by blows against the side of the bath by the arm.

By the arm in that way?—Yes.

If this woman had had a sharp attack of gastric trouble, and was bathing in a temperature of 101, if she had felt a sense of faintness and fallen down, would not she naturally or very likely have bruised her arm?—She might have done so.

I mean you would not put it upon me that that would be impossible?—No.

I do not think I shall do any good by taking up more time. I think I have put to you every point I want to make, and I understand the result of the evidence—that you think it is highly improbable that this happened from an accident; but you would not say it was absolutely impossible?—No, not absolutely impossible.

Re-examined by Mr. BODKIN—My learned friend has used the expression that this woman experienced a frontal attack by somebody—you remember, at the early part of his cross-examination?—Yes, I do.

That was in connection with the suggestion about the lifting of the legs?—Yes.

I want just to ask you one or two questions about the Herne Bay case from that point of view. Suppose the woman were sitting or reclining in a bath, and, without circumstances which would raise suspicion or fright on her part, her legs were suddenly raised, what effect would that have upon the body?—It would tend to swing the body round.

Where would the body in that case go in the bath?—It would slip down towards the foot end of the bath, or tend to do so.

That would tend to put the head in what position?—On the bottom of the bath.

We had some discussion with my learned friend, who, if I may say so, is very rapid with figures, and we trod gasping after him.

Mr. JUSTICE SCRUTTON—He arrived at a wrong result.

## George Joseph Smith.

Dr. Bernard H. Spilsbury

Mr. BODKIN—Your lordship noticed it. (To witness)—Will you kindly tell me when you and he were there by the bath, and he said, "Now we have ascertained that depth of water"—can you tell me what depth of water you had so ascertained? Sitting here I could not see the result?—It would be a depth of 8 inches without the body.

By Mr. JUSTICE SCRUTTON—You worked it out 11 inches with the body and somewhere about 8 inches without the body?—Yes, my lord.

Mr. BODKIN—So that, if the legs were lifted and the body did slide down the bath, would that give a bigger bulk in the water, and, accordingly, would that raise the level of the water?

By Mr. JUSTICE SCRUTTON—That would depend on how far the legs were pulled out?—Yes; that is a question between the amount submerged at the end and the amount removed from the water at the lower end.

By Mr. BODKIN—What difference would it make?—It would not make much difference. I think, perhaps, if the legs were drawn out to a considerable extent, the depth might diminish to a slight degree.

Because the legs and the upper part of the thighs, the portion out of the water, might almost be equivalent to the torso or trunk which is in the water?—Yes.

I want you to give it me, so that I may get it quite clear. Again, what is the depth of the water, in your judgment, if the body were lying in the water at the bottom of the bath with the legs up—what would be about the height up the side of the bath to which the water would come?

Mr. JUSTICE SCRUTTON—He cannot give it exactly.

Mr. BODKIN—He answered it. (To witness)—I only want to get the figure again if I can?—With the bath full to the extent of 8 inches without the body, there would be between 10 and 11 inches of water in the bath with the body.

Of course, as my lord kindly says, it is not possible to know exactly, because you do not know how much of the legs is left in.

Mr. JUSTICE SCRUTTON—No. That pencil mark gives it you as near as he can tell.

By Mr. BODKIN—Now, supposing this woman's head were in that position, but removed lower down the bath by the legs being raised, would there be then a depth of water quite sufficient to cover the whole head?—Oh, yes; even assuming that the face was uppermost.

The position of the body has been described by Dr. French with the legs out. You have told us that is not compatible with any suggestion of epilepsy?—No, I do not think it is.

Is it compatible with any suggestion of any seizure of any kind?—None that I know of.

## Evidence for Prosecution.

Dr. Bernard H. Spilsbury

If a person stepping into water, as my learned friend put it, referring to the possibility of a shock?—Oh, yes.

Stepping into water that is too cold, and does experience a sudden shock, is there any reason why the person should not get out again?—No, I imagine not.

Looking at that bath, there was suggested to you some slipping along the bottom of the bath. Did you understand that my friend's question related to slipping just on getting in?—I am not quite certain.

My learned friend put the question about slipping, and then your legs would slip and you would come up against the end of the bath?

MR. JUSTICE SCRUTTON—I understood the suggestion to be if you slipped—I was not quite certain whether he meant whether you were sitting down or when you got in, and your legs went up.

MR. MARSHALL HALL—In the act of slipping down.

MR. JUSTICE SCRUTTON—In the act of slipping down, if I followed the suggestion, it might account for the legs being straight up.

By MR. BODKIN—Supposing in getting into the bath you slipped in sitting down and your legs did go up, where would your head be with regard to the water in the bath?—It would be above the level of the water.

By MR. JUSTICE SCRUTTON—It depends where you left off slipping. If you went on slipping you would go under?—It depends very largely upon where one sat down in the bath.

By MR. BODKIN—What my learned friend was dealing with was the description by Dr. French of the legs being straight out up against the end of the bath?—Yes.

And therefore the position of sitting, knowing the length of the legs, is more or less negatived?—Yes.

Where would the head be in such a position?—The head would be against the sloping part of the back of the bath.

And with that amount of water in the bath, would it be above the water or below the water?—Certainly above the water, with any amount of water in the bath, in that position.

And if a person slipped in getting into the bath, or sitting down, she would have her arms free?—Oh, yes.

I do not want to have the commotion of bringing the bath in, but you have seen the bath. My friend will not object to my suggesting it to you—of course, the jury will check it for themselves—my instructions are that the taps stick out only 2½ inches over the end of the bath?—Yes, that was my impression.

In the course of a rinsing after a shampoo or a soaping of the head, in order to rinse the soapy water from the head, would it be possible for you to get your head under the taps?—No, not properly under.



# George Joseph Smith.

Dr. Bernard H. Spilsbury

If my suggestion about  $2\frac{1}{2}$  inches is correct?—No, I do not think it would.

Well, the gentlemen of the jury will check it for themselves, to save bringing the bath in. Now, with regard to that cause of death, whether the condition of the fatty degeneration and the progress of it, and the point to which it had developed, were such that a person would be more likely to succumb to a sudden shock or not; may I tell you what Dr. Billing said about it?—Yes.

He was asked the question, "Was there anything in the condition of the heart in that commencing state of fattiness"—[reading to the word "action"]—"A. No sir." Now, would that condition, commencing, as the doctor has described it, make her more likely to succumb to a sudden shock?—I should think probably not.

I have asked you about the mitral valve—my friend says he attaches no importance to that. Now, with regard to the Blackpool case, do you notice that Dr. Billing states clearly that the cause of death was drowning?—Yes.

And not fainting, or death from heart failure?—Yes.

Now, as to the Highgate case. You were asked about the temperature of the water in this connection. There was a good deal of influenza about Christmas, was there not?—Yes.

And of gastric symptoms, which accompany it in some cases? You say that is not uncommon?—No, it is not.

From the type of the ailment this year, what would be the symptoms of the gastric ailment?—Pain in the stomach would be the commonest symptom.

Would there be any purging?—Yes, there would certainly be some purging; there might have been some burning.

Looking at the evidence as to this lady, she on the Friday, that is, after the visit of Dr. Bates, was, according to the prisoner, depressed, and went to the Muswell Hill post office in the afternoon at Islington, &c.—[reading down to the words "tomatoes for supper, and had a mid-day meal of fish and Christmas pudding"]. Does that indicate that she was suffering from any malaise from gastric trouble?—No, it would not; she apparently behaved as though she was in good health.

The suggestion is that she may have suffered from a sudden gastric cramp. Would that be likely to occur in a hot bath?—No, it would not.

Would hot water alleviate cramp or not, can you tell me?—Sometimes.

It would tend to do so?—Yes, it would.

Having in your recollection the dimensions of the three women and the respective baths in which they were found, is the death of each of them consistent, in your judgment, with the suggestion my learned friend put to you as to their legs having been lifted up and their heads submerged?—Yes.

## Evidence for Prosecution.

Dr. Bernard H. Spilsbury

And sudden death thereby resulting?—Yes.

To be quite clear, I want to ask, is that the suggestion which you put forward before the magistrate?—Yes.

Mr. MARSHALL HALL—My lord, it was not my suggestion.

Mr. BODKIN—I did not mean that. I mean it was the one you first quoted.

Mr. MARSHALL HALL—Yes.

By Mr. BODKIN—There is one other question, and one only, as to the clutching, as to the holding of an article and then the sudden immersion and death from drowning and the retention of the article; you said you had had experience of that?—Yes.

Would that help us to show what you mean if you told us what the experience was?—Yes, I think perhaps it would.

What is the actual instance or instances you had in your mind—The one which I have in my mind is that of a man coming apparently unexpectedly into cold water—deep water—on a night carrying an electric torch in his hand; and when found some three weeks afterwards the electric torch was still firmly grasped in his hand.

That was an accidental death?—That was an accidental death, yes.

In a reservoir?—Yes.

He was found some three weeks afterwards where he fell in?—No; some little distance away from where he fell in.

You were asked about the inquest at which you were a witness at Islington?—Yes.

The case of somebody who died who had had a bath?—Yes.

Did the person die in the bath?—No.

Some time after being taken out of it?—Some time after—about half an hour after being taken out.

Did he suffer from any sort of attack of any kind, do you know?—Not so far as I am aware.

Did he die from suffocation by drowning?—Yes, he did.

By Mr. JUSTICE SCRUTTON—Did he die after he was taken out?—He died after he was taken out; he died about half an hour afterwards.

By Mr. BODKIN—Was there any suggestion there of anybody having any design at all on him—Not actual suggestion; but I think it was rather implied.

By Mr. JUSTICE SCRUTTON—The jury wish to know, in a case of drowning, where you inspect the body shortly afterwards, is it possible to determine either the exact time that the person has been dead, or approximately?—It may be impossible to determine the time in some cases, even if the body is inspected immediately after removal. In the case of this man, who was accidentally drowned in a reservoir, the body had the appearance of a man who had only just died when it was removed three weeks later.

The cold water, I suppose?—Yes, it was extremely cold weather. No, it is extremely difficult to form an opinion.

# George Joseph Smith.

Dr. Bernard H. Spilsbury

You do not think a doctor seeing any of these bodies could probably form an opinion how long they had been dead with any accuracy?—No, I think it is very difficult to do so.

Mr. MARSHALL HALL—Might I mention one point—it might be longer than that period.

By Mr. JUSTICE SCRUTTON—Does *rigor mortis* set in at any fixed time?—No, it is very variable; in some cases it is instantaneous; in other cases it may be delayed for some time and come on later.

Dr. WILLIAM HENRY WILLCOX, examined by Mr. BODKIN—I am a Doctor of Medicine and a Fellow of the Royal College of Physicians. I am senior public Analyst to the Home Office.

In case any of the gentlemen of the jury do not know it, do you come to this Court, and to other Courts in the country, to assist in cases where medical or surgical knowledge should be at the disposal of the jury?—Yes. I have seen the three baths in this case, and I have carefully examined them. I have also heard the description of the three women—their height, their build, and their appearance. As regards Miss Mundy, I have heard it said that she had three epileptic fits.

At the age of thirty-three or thirty-five, it has been stated both ways, is that disease usual to appear?—No, it is unusual.

And those three coming close together, would that present any unusual appearance?—Yes, apart from any organic disease.

Did you hear Dr. Spilsbury give evidence as to epilepsy being found usually in cases of family history of mental trouble?—There is commonly, not always, a family history of either epilepsy or mental trouble.

Have you met with a case in which a person of that age first exhibited signs of epilepsy, and then three fits occurred at short intervals, where there was no mental history of the family?—I have met with a case where there has been no history and no organic disease, because epileptic fits may occur from excessive drinking, for one thing. There are many causes which may induce epileptic fits. I am speaking of true epilepsy apart from any fits the result of another disease.

Taking the person who suffered from three fits at such an age as being a healthy person?—Yes, I should say it is very unusual.

You have heard Dr. Spilsbury give his account of the phenomena of drowning and the act of drowning?—Yes.

Do you agree with that, Dr. Willcox?—Quite.

Now, may unconsciousness supervene very suddenly?—Yes, it may come on very suddenly indeed. It is largely a matter of surprise. That is, if a person knows that his head is going to be submerged, and can take a breath in before, then the consciousness might not be lost for a minute or more; but in the case of a sudden immersion without any preparation of taking a breath, and so on, such uncon-

# Evidence for Prosecution.

Dr. William Henry Willcox

sciousness might occur very rapidly—perhaps within quite a few seconds.

Would a person suffer a very considerable shock if sudden immersion were absolutely unexpected?—Yes, there would be considerable shock from surprise, and also the water passing up the air passages, the nose, and mouth, that would cause a considerable shock, from what is known as reflex irritation, that is, the irritation of the mucous membrane of the nose and throat. That would of itself cause a great amount of shock.

And would death be more rapid under those circumstances of sudden shock and unconsciousness?—Then there would be a loss of consciousness for some little time only, from two to five minutes; and then death would result. In some cases death may occur very quickly from shock.

That is death from drowning?—No, it would be death from shock.

Might death from drowning, if a shock caused unconsciousness, rapidly supervene?—Yes.

In that case, the Herne Bay case, the woman was found with a piece of soap in her hand, according to Dr. French, clasped in her hand after death. Taking a person whilst drowning if conscious, is that person apt to clutch at anything?—Yes, that is quite a well-known feature.

That applies whether—the expression used the other day was—anchored or otherwise?—Oh, yes.

A fixture or not. If a person clasps something in the first stages of an epileptic fit, would the third stage of it cause relaxation of the grasp?—Yes.

That is the stage of exhaustion?—Yes.

If a person is found grasping such a thing as soap, and it is suggested that she suffered from an epileptic fit, does the grasping of the soap tend to negative the epileptic fit or not?—It tends to negative death in the third stage of an epileptic fit, which would be the probable stage, if death occurred from the combination of epilepsy plus drowning.

The length of an epileptic fit is about what?—The first stage—that is, the stage where the muscles are fixed—is about four to ten seconds; the second stage, where those movements occur—the convulsive stage—that would be one or two minutes; and then the third stage of relaxation occurs.

Then three minutes would be the limit?—Three minutes would be an outside limit probably for an epileptic fit—for an average fit.

Is that grasping of the soap in the hand consistent, in your opinion, with death from drowning in which sudden shock has occurred?—Yes, in death from drowning associated with shock or surprise; immediately after death, instantaneous death, stiffening is

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likely to occur; and hence the muscles holding the object remain contracted, and the object is held after death.

Just as to the instance given by Dr. Spilsbury?—Yes, that was a typical instance.

Now, the evidence of Dr. French was that the woman was found with her head resting against the sloping end of the bath, her back more or less in contact with that, and resting with her buttocks upon the bottom of the bath, and her legs straight out from the body up against the end of the bath. Do you remember that description?—Yes.

I do not know whether you heard him give it?—No.

You heard me put it to Dr. Spilsbury to-day?—Yes.

Can you give us any assistance as to whether a person suffering either from an epileptic fit or any other such seizure could get in that position?—No, I do not think it would be possible.

If a person in a bath had a collapse from any cause such as fits or any other cause, can you help us as to how such a person could get her legs into that position, the position described?—No, I do not think it would be possible.

Assuming collapse from a faint or any other cause as described or an epileptic attack?—No, that would not account for that position—equally impossible.

You have seen the marks on the side of the bath?—Yes.

Put by Dr. French to the best of his judgment?—Yes.

And that woman of that height and bulk in that bath, the blue marks at the side are said to be where the water came to when she was in there?—Yes.

In it?—Yes.

Supposing a woman were sitting in that bath with her legs in the water in a normal ordinary position, would the water be as high as those blue marks or not?—It depends on the quantity.

I mean with this same quantity of water in the bath as when she is in the position found by Dr. French which the blue marks showed the level of?—It depends on the amount of water displaced, or, in other words, on the quantity or volume of the body submerged.

By Mr. JUSTICE SCRUTTON—I understand what Mr. Bodkin is asking you is this—Assume that the water is there, and she is entirely submerged except the upper part of her head and part of her feet?—Yes.

Assume, then, she is lifted up by the feet, will the water rise or fall?—The water would fall.

By Mr. BODKIN—Without going through all the details again Dr. Spilsbury arrived with my learned friend's assistance in pointing the factors, at a depth of about 11 inches?—Yes.

If she was sitting up there would be a depth of about 11 inches.

Mr. JUSTICE SCRUTTON—No, they arrived by the help of the foreman of the jury's measure at the actual mark; they also arrived

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after various explanations ultimately at 8 inches as to what would happen if the lady was out of the bath.

Mr. BODKIN—Yes, I rather thought that the legs in the water would be equivalent to the torso. At any rate, this is the point I come to by a circuitous method. (To witness)—Supposing that woman were sitting in the ordinary position in a bath, and suddenly and unexpectedly her legs were raised, would her body tend to go along the body of the bath?—Yes, that would be so.

And in your judgment would there be then sufficient water to submerge her head?—Yes, in my opinion there would be sufficient and 2 or 3 inches beyond that which would give complete submersion.

Have you seen the Blackpool bath and examined it?—Yes.

Did you notice the position of the taps?—When I examined the bath the taps were not there; I did not go to Blackpool.

But they are on the bath here?—I am afraid my recollection is hazy about the taps.

When you saw the bath it had not got the taps on?—My impression is that it had not; I may be wrong. I do not remember the taps. I have seen the bath at Bow Street.

Very well, you do not remember the taps?—I do not remember them.

In that case you have heard the measurements of Alice Burnham?—Yes.

A bulky thick woman?—Yes, fat.

In view of her size and that of the bath, do you agree with what Dr. Spilsbury has said as to the possibilities of her being drowned by sudden collapse?—Quite.

In any one of those eight positions, four facing one end and four the other, do you agree with what he said?—I agree with what he said, yes.

You agree as to those eight positions, four facing one way and four facing the other?—Yes, I agree entirely.

In your mind had the thickening of the mitral valve—I wanted just to get it from you; you have had a great hospital practice?—Yes.

Is that quite a common condition?—Yes.

And do you think, except in the serious cases affecting the general health or ability to——?—Not in mild cases, such as I gather this was.

The description is slight thickening?—Yes; that has practically no appreciable effect on the general health.

It is said that the girl had peritonitis in March; do you know the operation which she experienced?—Yes.

Are you well acquainted with it?—Yes.

Is it a serious operation?—Well, it is a grave operation.

If there were anything wrong with her heart would it be a

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serious matter to consider before putting her under the anæsthetic?—Yes.

The evidence is that she made a rapid recovery, more rapid than was anticipated?—Yes.

Does that show you anything with regard to her heart?—It shows that the heart must be in a healthy condition.

By Mr. JUSTICE SCRUTTON—Did the effect of that operation tend to fatty degeneration?—I do not think so, my lord. It is common in fat people to find fat deposited round the heart, and it does not mean that the person is suffering from fatty degeneration; fatty degeneration of the heart is quite a different thing; that is where the actual muscle fibres are degenerated and replaced by fat. Fatty degeneration can only be discovered by the microscope. I gather from this case that there was fat deposited round the heart; that does not necessarily mean that the muscle of the heart is in a fatty state.

By Mr. BODKIN—Layers of fat round the heart, I think, was the expression Dr. Billing used?—Yes.

And Dr. Spilsbury also used that expression, but is fatty degeneration of the heart, where the muscles of the heart which cause its action——?—Yes.

Its pumping action are replaced by fat which has no such power?—That is so, yes.

So that it degenerates in its action as a pumping engine?—Yes.

You say that the fatty degeneration can only be discovered by the microscope?—Yes, only discovered with certainty. You may see a heart—the muscle—and think it looks as though it was perhaps fatty, but you can only with certainty say so by examining with the microscope and seeing the fat.

With that slight thickening of the mitral valve and the fat condition of the body, and that operation of peritonitis in March, would she be from either of those causes an unhealthy woman in the month of December?—Not necessarily. I do not think so—that she would be.

Well able to go about?—Yes.

To walk out and enjoy such places as Blackpool?—Yes.

Mr. JUSTICE SCRUTTON—In December.

Mr. BODKIN—In December—go to picture palaces, and so forth. (To witness)—That would bear upon your opinion?—Apparently she had quite recovered from the operation and was in her usual good health.

The subsequent attention that was given to her was that of a medical character, properly speaking?—It was very probably partly of a surgical character after the operation, though no doubt a medical man would like to see the patient from time to time to see the condition of the scar, and so on; that would be the primary condition to be dealt with; also the local condition.

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In this particular case there would be a local condition?—A certain local condition, yes.

Now, as to the Highgate case, did you have patients with influenza last Christmas?—Yes, a good many.

There was a considerable epidemic?—Yes.

My learned friend, if I may say so, properly says a feature of it was the gastric trouble?—Yes, gastric cramp.

Are you acquainted with that?—Yes, I am acquainted with gastric pain, which is commonly called gastric cramp.

What is it?—Pain in this region (pointing).

Are you speaking of influenza?—Yes, it may come on in the early stages of an influenza attack, with headache and pains in the limbs and pains in the eyes.

Is that what you understand by gastric cramp?—That is what I should understand by gastric cramp spoken of in relation to an influenza attack. Of course, there are other forms of gastric cramp.

In connection with influenza?—Yes.

What effect does that have upon the person—gastric cramp?—That is a very common probable effect.

Is it very painful?—Painful, yes.

What effect, if any, would a hot bath have upon a person suffering from it?—A really hot bath would be one of the best methods of treating this; it would probably remove the pain if it were quite hot.

In your opinion as to influenza cramps in the stomach, would a hot bath be likely to cause them or drive them away?—It would more likely drive them away if the water were really hot.

The lady the evening before her death had a temperature of 100 to 101?—Yes.

Would that be caused in various ways?—Yes.

Suppose she was in a not completed condition of her monthly period, might that account for it?—It might help to account for it. In other words, at the menstrual period, the condition of a woman is more excitable; any slight cause which would not have any effect on the temperature under normal conditions might cause a rise of temperature then, such as a cold or chill.

Suppose a person had rather an anxious day, an exceptional day—marriage—up to London—journey by the tube, inability to get into the lodgings—finding others, in the month of December, might that, if she were in her periods, account for the rise of temperature?—It is possible.

External causes like that might affect it?—Yes, they might send the temperature up a degree or so.

Having learnt that the patient came to you with a headache and a temperature of 100 and 101, and who looked vacant and was out and about on her affairs, and important affairs, the next day, taking her meals at usual intervals, would you think there was very much the matter with her?—No, I should think it was only some



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slight cause which had been responsible for the rise of temperature; although I agree with the view that Dr. Bates took when at the time of seeing her, I should myself have probably thought that the lady was going to have an attack of influenza; but the events rather prove that it was not so serious as that.

Now, I want you to tell me this—whether you have considered this matter. Take the case of each of these three women found dead under the circumstances which you have heard in taking a bath, and having died from drowning. Is the death of each of them consistent with the explanation which has been given of the death of Miss Mundy, that is to say, by the raising of the legs?—Yes, it is.

And the submersion of the body?—Yes, in my opinion it is.

From the size of the bodies and the size of the baths, would the deaths of any one of the three be consistent with accidental deaths?

Mr. MARSHALL HALL—My lord, is this a proper question?

Mr. JUSTICE SCRUTTON—It is a question which was allowed in the Mitchell case. You may put the question if you give the witness the facts—give him first the facts, and say whether on those facts he is of such and such an opinion.

Mr. MARSHALL HALL—My learned friend gives a long story of the state of this lady that he asks the witness to assume, then he asks whether—

Mr. JUSTICE SCRUTTON—That question was based upon certain facts—the size of the woman and the size of the bath—and then it went further—

Mr. MARSHALL HALL—I take the formal objection.

Mr. JUSTICE SCRUTTON—It seems to me the question was allowed in the Mitchell case in the House of Lords.

By Mr. BODKIN—Can you answer that question as to any one of the three women?—I would rather answer the question as to each one separately.

As to Miss Mundy, you have heard her size and that of the bath, and the position of the body, the cause of death being drowning—those appearances. If those facts are correct, are they consistent with an accidental drowning in the bath?—No.

Then as to the Blackpool case, Miss Burnham, remembering the same factors in regard to that case, what would you say in answer to the same question?—I think they are consistent with accidental death.

Mr. MARSHALL HALL—This goes very much further than the case your lordship mentioned. There the question was the inference as to what the state of the man's mind was. This is the intention of a particular man as to the commission of certain acts, the acts themselves being in dispute.

Mr. JUSTICE SCRUTTON—Here you have the condition of the

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woman's body given, the size of the body, the description of its position, and the size of the bath. What is his opinion as a gentleman of medical experience as to whether it is consistent with an accidental death? I think he can be asked that.

Mr. MARSHALL HALL—The position of the body is very important.

Mr. JUSTICE SCRUTTON—He takes the position of the body, he assumes the position of the body described is true.

The WITNESS—Yes.

Mr. JUSTICE SCRUTTON—In each case a doctor saw it. I understand the question to be based on the dimensions given of the woman, the length given of the bath, and the description given by the doctor of the position of the body, the condition in which it was found, that she was removed by the prisoner—

Mr. MARSHALL HALL—There is a suggestion of moving.

Mr. JUSTICE SCRUTTON—Yes, but the facts are given.

Mr. BODKIN—As to the third case, I do not put the question because I have not had a description.

Mr. JUSTICE SCRUTTON—I thought you were going to put the three, but the witness said he would like to have them separately.

Mr. BODKIN—Yes, then I determined—

Mr. JUSTICE SCRUTTON—Now you put the question.

By Mr. BODKIN—You have heard what my lord has said. Assuming that is correct, the dimensions of the body?—Yes.

The dimensions of the baths and the position in which the bodies were seen as described by the medical witnesses?—Yes.

In the first two cases?—Yes.

As to the third of the cases, there is no description of the position of the body?—No.

Did you answer as to Blackpool?—Yes.

There is one other matter. The prisoner said in reference to the Herne Bay case that he pulled the head right out of the water and rested it on the side of the bath; later on, on coming back, her head had sunk again in the bath, her mouth being on a level with the water. Pulling the head right out of the water and resting it on the side of the bath—is that possible?—Not unless the body is twisted so that it lies transversely across the bath.

Her head had sunk down again into the bath, the mouth being on a level with the water—that is when Dr. French came?—Yes.

He describes her as lying back against the sloping edge with her legs up?—Yes.

Would it be possible if her head were left lying on the side like that that it could have slipped off, and be lying in the position Dr. French describes, with the legs up?—No.

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If she had got into that position after her head had been over the side, would she have been dead?—Yes.

If she had been pulled up and her head over the side, then the doctor coming later and finding her lying back with her legs straight up like that?

Mr. MARSHALL HALL—Not like that.

Mr. BODKIN—Out straight from the hips.

Mr. MARSHALL HALL—Yes.

Mr. BODKIN—In the bath could she have been dead when her head was up over the side of the bath?—That would indicate that the position had been changed.

Cross-examined by Mr. MARSHALL HALL—I did not quite follow you in one matter. I understand you to say that a death from drowning is due to the inlet of water either through the mouth or other aperture?—Yes.

Either by mouth or nose—that is what it comes to?—In deaths from submersion in water, in about 70 per cent. of cases it occurs from drowning, that is, from water getting into the air passages, but there are a certain number of cases where death may result from shock without there being the physical signs of drowning.

I understand (as far as I can understand the medical evidence in these cases) the death resulted from drowning by intake of water?—Yes.

Therefore we can exclude the other?—That is so.

Therefore, if there is a struggling which prevents or delays the intake of water, by that minute you prevent or delay death in these particular cases. Supposing the victim—I am using your theory for the moment—the victim of a murder struggles and thereby prevents the water entering her mouth or nostrils, she would have delayed it?—The fact of closing the mouth and nostrils would prevent water entering.

And the natural impulse of anybody who is suddenly threatened with drowning—not by falling into deep water where the gravity takes you below the level—but where you are threatened by drowning by the pulling up of your legs, the natural instinct would be to shut your mouth?—Yes, it would.

You agree, do you not, that the natural impulse would be contemporaneous with the shock to put out your arms, or to cling to the side of the bath?—That would be the natural impulse, assuming there was time to do it.

The two impulses would be contemporaneous—the impulse of fright and the impulse of self-preservation?—Yes.

I was thinking of an instance of an animal which you see drowning. If you attempted to drown an animal by holding it in your hand it would struggle to prevent the immersion?—Yes.

It would paddle with its feet?—Yes.

And prevent immersion?—Yes.

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And a human being would do the same?—Yes, it would try to get out of the water.

You see that illustration, a perpendicular line and then an obtuse angle [Mr. Marshall Hall made a drawing]?—Yes.

The obtuse angle here is practically the angle of the body, talking of this bath?—Yes.

Assuming Miss Mundy got into the bath and reclined her head in the most natural position against the bath and put her legs straight out?—Yes.

That would be the natural obtuse angle?—Yes.

If the theory you and Dr. Spilsbury have evolved, and both agree to, is he catches hold of the feet and pulls the body so that the head is immersed in 8 inches of water, and gets the air passages underneath in order to secure that, you would have to have the body almost flat upon the bottom of the bath, would not you?—Not necessarily. It depends on how the body was drawn into the bath. If it was done by pulling on the feet, then I agree. If it was done by pulling on the feet the nearer the right angle to which you get the easier the immersion of the respiratory organs is effected—that is to say, suppose you pull the feet straight up like that, you instantly pull the body down.

As you increase your angle and pull that obtuse angle like *that*, you must pull the body gradually, will you not? Do you agree that if you pull the feet at right angles, the body would go under quicker; do you follow that?—Not necessarily, because the hips are mobile.

That would mean practically lifting them and not using them as a fulcrum?—Yes.

Suppose you are pulling at an obtuse angle like that, it will take you longer to get the head under the water?—Not necessarily; I do not agree with that.

Look here, doctor, I will tell you what I am trying to prove from you if I can. All the more obtuse the angle at which you pull the feet, the longer period of time before the head is immersed?—I cannot agree with that, for this reason, that the more obtuse the angle the greater pull you get on the body. The more acute the angle the less the pull you have on the body. If you had the feet bent very acutely, that is, at right angles, the effect of pulling them might simply lift the buttocks up and drop them down again.

If you pull at a right angle you have got the resistance of the back of the bath against the head. I put to you the position she is lying in, at that angle, that is to say, level against that slope and the legs and feet from the buttocks straight?—Yes.

If you pull right up so that—assuming *that* to be the body for a moment, and you pull her up at right angles you get the back of her head pressing against the back of the bath?—Yes.

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Whereas, if you pull at an obtuse angle you slide the body down into the water, and it must follow if you are pulling it in an obtuse angle the body must naturally slide down the slope of the bath?—Yes.

Therefore, if you are pulling at an obtuse angle you are giving more time before the respiratory organs get under the water?—Not necessarily.

Nothing is necessary?—It really depends on the effectiveness of your pull at an acute angle. If you pull as you suggest at an acute angle you have more power.

I will come to the bath to illustrate what I mean. (The learned counsel went to the bath.) The normal position of a person sitting in this bath with 18 inches of water in it would be that the base of the spine would be close up against the slope, and having regard to her height, 5 feet 7½ inches, and the length of the bath, to be comfortable she must leave sufficient room for her feet to extend in the bath?—Yes.

A man coming in from here, this is the way the bath faces the door (indicating)—in order to catch hold of the feet he would have to lean over the bath?—Yes.

If he is going to get a right angle between the base of the spine and the flexing of the leg at the thigh he has got to do that with the body?—You mean——

He must not only lift, but he must pull towards the end of the bath?—You mean shove the legs?

Shove the legs towards the end of the bath?—Yes.

The more he shoves the more acute the angle becomes?—Yes.

Therefore, there must be a considerable moment of time before the head, which is admittedly above the level of the bath altogether, is drawn down so as to be immersed in 8 inches of water?—Yes, there must be some interval of time.

Is it not credible in that interval of time the woman must realise something was being done to her and would put out her hands to protect herself?—It depends to what degree the woman was sitting up.

The more upright——?—The more upright the longer the time and the greater the chance, but if a woman were lying flat in the bath then there would be less opportunity.

Then, according as her position recedes from this line at the back, the time is reduced during which she would have an opportunity of saving herself?—Yes.

Then, if she was sitting bolt upright there is no reason why she should not clutch like that?—There would be an opportunity.

If she is lying she would have to clutch slightly upwards?—Yes.

[Mr. Marshall Hall drew a diagram to illustrate his questions. It was put in and marked exhibit 264.]

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You and Dr. Spilsbury have both given evidence on one point in identical terms. You say that if the body is drawn quickly under water you get unconsciousness which might be practically instantaneous?—It might be.

It might be; probably it would be what?—It is impossible to give an exact figure. It would probably occur under a minute.

Under a minute. Well, a minute is a long time?—Yes.

You are not approximating instantaneous to a minute, are you?—No, it might occur in a few seconds.

What would be the limit of the number of seconds?—It is impossible to say what would be the exact time.

I do not follow?—It might be in a few seconds.

Unconsciousness might be produced within a few seconds and certainly within 60?—That is so.

That is summarising your answer. I am told that in a case of a fainting fit, which is partial unconsciousness, preceding immersion, the effect of immersion would be to restore one?—Yes, it might be.

There is no contradiction in those two terms?—It is a reflex irritation. It may have the restorative effect in a fainting attack, and it may produce shock in the drum of the ear.

May I take it you heard Dr. Spilsbury's examination-in-chief?—Yes.

To which you agree?—Yes.

You heard the questions that I put to him in cross-examination, and you heard his answers?—Yes.

May I take it if I put the same or similar questions to you that your answers would be the same as Dr. Spilsbury's?—Yes.

There is one other question; it is with reference to a question asked by the jury that I should like to clear up, the question of diagnosing the time of death on the inspection by these three doctors. Dr. French tells us that he was unable to say how long Miss Mundy had been dead, but he said *rigor mortis* had not in fact set in. Within what period would *rigor mortis* normally set in in the case of death from drowning?—Probably within six hours.

Within six hours?—Yes, of course in some cases it does occur instantaneously.

*Rigor mortis* having once set in and having disappeared it never recurs. Is there a second?—No, there is not. It goes away after a certain period of twenty-four to forty-eight hours or so.

May I take it, having regard to the doctor's evidence, that these people were seen some time about three o'clock in the afternoon, that it is so improbable as to amount to an impossibility that when the doctor saw this body at 8.15 or so the next morning *rigor mortis*

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could have supervened and disappeared?—Absolutely impossible; except in drowning, *rigor mortis* lasts rather longer than usual.

We have got this, the period of death was antecedent to the appearance of *rigor mortis*?—Yes.

May I take it that is so in all these cases?—Yes.

So that the maximum period the body could have been dead is six hours?—Yes.

But in your opinion six hours is a very extreme limit?—It is an extreme limit.

In normal conditions you would expect *rigor* to supervene within three?—Three or four; about four hours. One other point in fixing the time would be the temperature of the body.

The body was slightly warm?—Yes.

Then the death could not have been more than an hour?—Probably a short hour.

I was going to ask you, having regard to the fact in the Mundy case that the body was not cold, that the trunk was still slightly warmer than the warmth of the water, death would probably supervene within thirty minutes?—I would not like to give an exact figure. I should think probably under an hour.

I think that answers the question the jury asked. I do not want there to be any confusion, epilepsy or epileptiform fits have three stages?—Yes.

The moving stage, the convulsive stage, and the limp stage?—Yes.

Is it possible for a patient to be seized with the first form of an epileptic attack and then be drowned before the second stage can be reached?—It is impossible for a person to be drowned in the first stage because the body is fixed like that and there is no breathing, so no water can be drawn into the lungs.

That is the first stage, which may last up to any time within sixty seconds?—Ten seconds.

After that ten seconds there comes the second stage?—Yes.

And in that stage if the air passage is under water the intake would be much more rapid?—Yes, drowning might occur in that stage.

If the passages get under water at the second stage, the intake of water would be very rapid?—It might be.

Probably would be?—Yes, it would be.

Then you would get death from drowning, and, of course, the symptoms—the post-mortem symptoms—would be those of death from drowning and not death from a fit?—Yes.

Re-examined by Mr. BODKIN—But even if the person were in a secondary stage of epileptic fit when the water would get in through the mouth and nose, would the resulting death be any more rapid—the resulting death from drowning be any more rapid?—It would perhaps be more rapid than if the drowning

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began *de novo* at that stage, because there would be the absence of the period of consciousness. It would probably be a matter of two or three minutes after submersion before death would occur, or even a little longer than that.

I rather understood you to say that by that time two minutes was about the outside that the second stage of epilepsy would depart?—Yes.

Notwithstanding those suggestions of my learned friend, are you able to explain, through phases of epileptic attack or fit of any kind, the position of the legs?—I am unable to account for the position of the legs on the assumption of an epileptic fit, and also taking the measurements of the bath, I am unable to account for epilepsy causing the submersion.

Or any other kind of attack?—No.

Such as a faint?—No.

Are there any natural causes which you know of to account for the position of the legs as described by the doctor?—No.

My learned friend has put a number of questions to you about the pulling and shifting of the body when the legs were either at an acute or a right or an obtuse angle, and put to you the probability of the woman having time to clutch, and so forth. Were you dealing with a case of expected or unexpected seizing of the legs in answering him?—In answering Mr. Marshall Hall I rather gathered that he used the words “frontal attack.”

Mr. MARSHALL HALL—I did to Dr. Spilsbury.

The WITNESS—I rather gathered that there was a certain amount of preparedness.

By Mr. BODKIN—On the part of —?—On the part of the woman in the bath, but in the view I have taken as regards the head being drawn under water it is not necessary for the feet to be grasped, the pull might be under the knees, of course—the left hand under the knees.

When the possibility of the flexing of the knee would give an opportunity for the arm to exert pressure?—The left hand might be put under the knees.

Mr. MARSHALL HALL—There is one question I want to ask, my lord.

Mr. JUSTICE SCRUTTON—Yes.

Further cross-examined by Mr. MARSHALL HALL—On the question of this fatty degeneration, I do not think you have quite appreciated the evidence of Dr. Billing. I am reading from the transcript of the shorthand notes. This is what Dr. Billing said at page 11—“When a person is fat, as you say this young woman was, do you expect to find fat surrounding the heart?—A. Oh, yes, sir—fat was surrounding most of the organs. Q. Yes, that is what you find in fat people, is it?—A. Yes. Q. Was that the fat you meant when you said the heart was fat?—A. No, the fatty degeneration gets in be-



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tween the muscles. Q. You say you found that condition?—A. Yes, beginning." Then later on, this is in cross-examination by Mr. Shearman—"Did you pay particular attention to the state of the heart?—A. Yes. Q. And this condition of fatty degeneration affects the muscle, I understand?—A. Yes. Q. There is no doubt it was present?—A. No doubt. Q. No doubt at all. Is that condition difficult to detect from an external examination?—A. In the early stages you cannot detect it. Q. Does it have a weakening influence on the action of the heart?—A. I do not think in the early stages it has much. Q. But as it increases does it?—A. Exactly. Q. It is a well-known complaint, fatty degeneration of the heart?—A. Yes." In the face of that evidence you could not say this is fat superimposed upon the heart?—I cannot accept from that evidence that there was fatty degeneration of the heart—that is, of the heart muscle. That, as I have already said, can only be determined by a microscopical examination; and, in fact, taking the evidence as it is there, and the exact words, it says, "fat between the muscles of the heart," and that is exactly what fatty degeneration is not, it is degeneration in the muscle fibres themselves.

You do not agree with Dr. Billing?—I could only accept that there was fatty degeneration of the heart on the basis of a microscopical examination, otherwise one would have to judge rather from the symptoms of the patient during life.

Further re-examined by Mr. BODKIN—When there is, as I understand you, fatty degeneration of the heart properly and scientifically so-called, it is a replacement by fat of the muscle?—The muscle fibres of the heart are oblong. Imagine that to be one (the witness held up a small article), but, of course, they are extremely minute—inside this oblong cell you see little tiny globules of fat—it is the actual muscle fibres themselves, the protoplasm of which becomes turned into fat. It is a thing which you cannot see with the naked eye; you have to use the microscope.

You must use the microscope in order to discover those fatty cells?—They are extraordinarily fat globules.

But is there a condition in the heart in which fat is found in the substance of the heart?—Between the fibres, do you mean?

Between the fibres?—Yes, that is extremely common in fat people.

Is that natural to those who are well covered?—Yes, it is a natural condition.

As you had it read to you by my learned friend, does your scientific mind read it as of that class as distinguished from what is scientifically called "fatty degeneration"?—Reading that evidence, that is the opinion I have formed. It is not fatty degeneration, but rather a fatty condition of the heart.

## Evidence for Prosecution.

Edith Mabel Pegler

Ashleydown Road, Bristol. [Here Mr. Marshall Hall objected to the relevancy of the witness's testimony.] I live with my mother, Mrs. Pegler. In 1908 I was living at Bristol, and looking for a situation there. I remember answering an advertisement. It was through answering that advertisement that I first met the prisoner. He was then staying in the same road as I was in, Gloucester Road. He was carrying on business as an antique and general dealer under the name of George Joseph Smith. I went to him as housekeeper. After I had been there some time the prisoner made the suggestion to me and I agreed to it, and we were married on the 30th July. Exhibit No. 162 is the certificate of our marriage, and it states "George Joseph Smith, thirty-three years, bachelor, general dealer, 389 Gloucester Road, Bishopston, son of George Smith, deceased, figure artist"; and my age is given as twenty-eight, and that I am the daughter of Frederick William Pegler. I remember that the prisoner told me that he had been in Canada. I continued in the shop for some time after we were married, and after that we went to different parts of England—Bedford, Luton, Croydon, and Barking Road, London; and then we went to Walthamstow and Southend-on-Sea. I finally left the prisoner and went back to my mother and lived with her for about two or three weeks. I saw the prisoner after that. As far as I remember, it was at Southend-on-Sea that I saw him. We had a shop there in London Road, I think it was. I cannot quite remember now, but I think we had a private house in another road, although I cannot remember the name at the moment. I think it was Glenmore Street. We only stayed at Southend for a few months at that time. We went back to Barking Road, London, after we finished our visit there. We went from there to Bath. I saw my mother during the time we were at Bath. I know the house at 91 Ashleydown Road, Bristol. I think it was in 1910 that we occupied that house. I think it would be about the latter end of June or something like that when we were at that address. The prisoner was carrying on an antique and general dealer's business at that time. He only remained with me for a few weeks in the summer time of 1910. He told me he had met a young gentleman he used to know in London, and he told me he was going away with him for a few days to help him in his business as a dealer. He was away about five or six weeks. As far as I can remember, there were two letters and a postcard from the prisoner during that time, but I cannot say where they are now; I must have destroyed them. I remember that two of the letters bore the London postmark, but I do not know what the third postmark was. I remember, however, that one of the letters mentioned that he was passing through Weymouth. After five or six weeks the prisoner returned unexpectedly. That would be about the end of August or the beginning of September. When he returned on that occasion he told me that he had been to London and round the

## George Joseph Smith.

Edith Mabel Fegler

country. I do not remember him mentioning any places where he had been. I never at any time had any knowledge that he had been through a marriage ceremony at Weymouth, or that he had adopted the name of Williams. Having come back at the end of August or the beginning of September, he remained at Bristol only for a short time, and then he went to Southend, I think it was.

By Mr. JUSTICE SCRUTTON—He came back and lived with you as man and wife?—Yes.

Examination resumed by Mr. BODKIN—When we went to Southend we took a shop there, an antique and general dealer's shop. We lived in apartments apart from the shop. We remained in Southend after we went there in 1910 for about three or four months. After leaving Southend we went to Barking Road, and then to Walthamstow. After that we went to Bristol. Whilst at Barking and Walthamstow the prisoner used to attend to business himself; he had business premises at Barking and also at Walthamstow. He was in business as an antique and general dealer. We went back to Bristol in the beginning of 1912 to Bath Road, Brington. After we had been there for about six or seven weeks the prisoner said he thought he should go round the country for a little while. He said he would go to London to do some dealing. He told me he was trying to sell the house at Southend. I lived at the shop in Bath Road. The prisoner was away for about five months. During that time I heard from him several times. I directed my answers to his letters to the Woolwich Equitable, a building society. I got answers to my letters. I cannot tell what profit he got from selling antiques, &c. I lived on the profits of the business. I sold the business ultimately. The prisoner advised me to sell the business if I cared to. I only got a few pounds for it. After I had sold the business I went to reside with my mother at 102 Ashley-down Road. After the prisoner had been away from me for a little time I sent some of his clothing to Woolwich, but I cannot remember the address. It was about the end of July or the beginning of August before I next saw the prisoner. I met him at Margate. He sent for me to meet him. After that we went to Tunbridge Wells, but I cannot remember the name of the road we lived in. It was opposite a large Roman Catholic church. That is all I remember. I never lived at the address 25 Grove Hill Road, Tunbridge Wells. When I rejoined the prisoner after his absence he told me he had just come from Canada, and he said he had been very fortunate in buying a Chinese image, for which he got £1000. I had no knowledge at that time of his having lived at Herne Bay with a Mrs. Williams. I never got any letters from Herne Bay. From Tunbridge Wells we went next to Bristol, Egerton Road. From Egerton Road we went to 49 Cranbrook Road. The prisoner told me that he had bought that house in Cranbrook Road. He also mentioned that he had

## Evidence for Prosecution.

Edith Mabel Pesler

bought houses in Shackleton Road and Eltham Road. These houses are all in the neighbourhood of Bristol. From Cranbrook Road we went to a shop in Zetland Road. We only remained there a very short time. After leaving the shop at Zetland Road we went to Weston-super-Mare, and we remained there for two or three months. From Weston-super-Mare we went back to Bristol. My mother was living in Bristol at that time. The prisoner went back to Bristol with me. He left me at Bristol. I did not know where he was going. I received a letter from him after he left. That letter was from Paddington. It would be in the beginning of October, 1913, when I received that letter. He had been away three months by that time. When he came back he said he had just come from Spain. He told me he had bought some old-fashioned jewellery which would bring him in about £200 eventually. He also told me that he had sold the houses which he told me he had purchased. I think he said he had received £1700 for them. I also remember him mentioning that he had bought an annuity with the money; but I do not remember the amount he had paid for the annuity. At the end of 1913 the prisoner came to where I was staying along with my mother. It was just before Christmas that he arrived. We went to Clapham, London, together after that. I had no knowledge that the prisoner had been at either Portsmouth or Southsea, or that he had been married there. I had also no knowledge that he had been to Blackpool. After being at Clapham for some time we went to Cheltenham, and later on we went to other places in the south and south-west of England. We went to Brighton or Bournemouth; but I cannot remember what we did after that. At any rate, we arrived back at Bristol towards the end of the year. The prisoner told me during that time that he thought he would have a run round again before Christmas. He told me he was going with another young fellow he had met at Clifton. He went away about the beginning of December, and he remained away about three weeks. I next saw him about two days before Christmas. I was staying just near my mother in Bristol at that time. I did not know that he was coming; he came unexpectedly. He said he had been to London and had been doing a little dealing, and that he was going to buy a picture. He went away alone, saying he was going back to London. He was only away about ten days when he came back to Bristol. I have no knowledge whatever of his having been married to a Miss Lofty at Bath, or of his having assumed the name of Lloyd. On his return on that occasion I think he stayed for about another week; then he left again. He came back about three times after Christmas, but I cannot be sure if that was the last time. I learned of his arrest at the beginning of February.

You have mentioned a number of places at which you and he were together. Do you remember his saying anything as to a

## George Joseph Smith.

Edith Mabel Pegler

bathroom at any of the places you were at?—He mentioned to me once—just after last Christmas—that he would not have much to do with them if he were me, as they were dangerous.

Did he say how they were dangerous, or to whom?—It was said it was often known women lost their lives through having fainting fits and weak hearts. I had been through the marriage ceremony with the prisoner in July, 1908, and from that time onwards we lived together as Mr. and Mrs. Smith.

Did you ever know during that period of six years about his having a bath himself?—Yes.

Where, do you remember?—Well, he used to bath at Cranbrook Road.

I mean his personally taking a bath, having a bathroom?—Yes, at Cranbrook Road.

How many times since you first married him have you known him to have a bath?—I could not say quite, but I think it would be usually when we went into a house, and not an apartment house. There was a bath in the Cranbrook Road house, and also in the house at Zetland Road. He had a bath at both of these houses. I cannot remember whether he had a bath at Southend, but there was a bath there.

In taking apartments at various addresses you went to, did you ever hear him ask if there was a bathroom?—At Weston-super-Mare he asked for one.

Can you remember the address?—I cannot remember the name of the road now; it was some Grove, I think.

Is that the only place you can recollect?—Yes. I think the prisoner had a bath there.

Can you tell me if at any time since you first knew him has he changed his way of shaving at all? He has a moustache now?—I have often seen him like he is now.

Have you ever seen him without a moustache—clean-shaven?—Yes, he often used to change—just as he liked, I think.

He often used to change his way of shaving?—Yes.

Cross-examined by Mr. MARSHALL HALL—He did do a certain amount of business as an antique dealer, did he not? He was rather a judge of that sort of thing. He would buy them anywhere in the country, and try and sell them at various shops you had?—Yes.

When you are buying goods off people they like to have their money in cash?—Yes.

And you like to be paid in cash, too, if you are selling?—Yes.

You know nothing, of course, of his having been mixed up with any other women at all. You know nothing about it?—Nothing whatever.

Just take your mind back to before you knew anything about this. You were fond of him, and he had been kind to you?—Yes.

## Evidence for Prosecution.

Edith Mabel Pegler

He had always treated you kindly?—Yes.

You went back to him when he asked you to go back?—Yes.

Before that you were kindly disposed towards him?—Yes.

And he to you?—Yes.

In all the towns you went to I suppose there are public baths?—Yes.

And people in that position of life who have not got baths in their houses will have baths at the public baths?—I have heard that is the case.

You do not suggest that in all these six or seven years he had only one or two baths?—No; I should not think so.

ARTHUR NEIL, recalled, further examined by Mr. WHITELEY—  
At 12.40 on the 1st February I was along with Sergeants Page and Reed in Uxbridge Road, Shepherd's Bush. We stopped the prisoner and said to him, "Are you John Lloyd?" He said, "Yes." I said, "You were married to Margaret Elizabeth Lofty on the 17th December last, and she was found dead by you in a bath at 14 Bismarck Road, Highgate, the following morning, the 18th." He said, "Yes, quite right." I said, "You are also said to be identical with George Smith, whose wife was found dead in a bath under similar circumstances on 13th December, 1913, at Blackpool, a few weeks after her marriage to you." He said, "Smith? I am not Smith. I do not know what you are talking about." I said, "I shall detain you and send to Aylesbury for witnesses, and if you are identified you will be charged with causing a false entry to be made in the marriage register at Bath." He said, "In that case I may as well say my proper name is George Smith and my wife died at Blackpool, but what of that, the entry in the register is not correct, but that is the only charge you can put against me." I then said, "The question of any further charges is a matter of inquiry." He said, "Well, I must admit that the two deaths form a phenomenal coincidence, but that is my hard luck." I walked along with him to the White City. At that time I had only mentioned Miss Lofty and Miss Burnham. The prisoner was taken to the police station at Kentish Town. After a short detention in the ante-room at the White City he was taken to Kentish Town by Sergeants Page and Reed. Later in the evening he was put up for identification for Miss Burnham's father and Mrs. Pinchin. Mr. Burnham was hesitating, and stopped in front of him, and the prisoner sat forward and said, "I am Smith. He knows me. What is the good of fooling about." Mrs. Pinchin was hesitating, but afterwards identified him. As he turned round she saw him from behind. He was then charged with forging the entry in the marriage register, and he said, "All right." The

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Arthur Neil

formal charge that was made against him was that he caused a false entry to be made in the marriage register at Bath. The prisoner said, "That is the only charge you can bring against me, and that is what I am guilty of. My wife knew all about my first marriage and she suggested I should make a fresh start and say nothing of my former wife. I had told her how she died. It was against my interest to give the name of Lloyd, as I have an annuity of £2 a week in the name of Smith from the North British and Mercantile Insurance Company." When the prisoner referred to "My wife" he was referring then to Miss Lofty. I took possession of certain notes and cash. After he had been before the magistrates I said, "You are now going to be charged with the wilful murder of Margaret Lofty, at 14 Bismarck Road, Holloway, on the 18th December last; and with the wilful murder of Alice Burnham at Blackpool on the 12th December, 1913; and with the wilful murder of Bessie Constance Annie Mundy, at Herne Bay, on 13th July, 1912." I added, "You need not say anything in answer to the charge, but, if you do, anything you say may be given in evidence against you. I then read over the charges, and he made no reply. I have seen the bath which is exhibit No. 23. That is the bath which was removed from Bismarck Road, Highgate.

Cross-examined by Mr. MARSHALL HALL—When the prisoner was taken to Kentish Town he said, "I have nothing to fear. My conscience is clear."

[Here the prisoner interrupted, but was ordered to sit down.]

FRANK PAGE, examined by Mr. WHITELEY—I am a sergeant in the Metropolitan Police, Y Division. After the prisoner was arrested he was taken to the Kentish Town Police Station by me. On the way to the station he made the following statement to me:—"You may think it is strange, but it is the irony of fate that my two wives should have died in the same way. I suppose it has come about through the insurance. I did not know she was insured or that she had made a will. Some one at Bath sent the papers to me at Highgate, and that was the first time I knew she was insured. I suppose this trouble would have come when my first wife died if she had been insured. There is not much wrong in saying the name of Lloyd, because that was the name in which I joined the Northamptonshire Regiment. I was soldiering for three years."

Cross-examined by Mr. MARSHALL HALL—When you say he said, "I did not know she was insured," did he not say, "I did not know she was insured until after her death"?—"I did not know she was insured till after she was dead, nor that she had made a will."

## Evidence for Prosecution.

George Cole

GEORGE COLE, examined by Mr. WHITELEY—I am a detective-inspector of the Y Division of the Metropolitan Police. On the 23rd of February of this year I went to No. 102 Ashleydown Road, Bristol, and I there saw the witness, Miss Pegler. I searched the house. I took possession of two annuity bonds (exhibits Nos. 201 and 221) and the envelope (exhibit No. 222). I also took possession of two birth certificates, one of which is exhibit No. 10, and the other No. 241. I also found exhibit No. 220, which is a note from the manager of the North British and Mercantile Insurance Company. Exhibits Nos. 224 and 225 are receipts for the £1300, the price of the annuity, and the £500; and exhibits Nos. 239 and 240 are receipts from the Post Office Savings Bank, Blythe Road, West Kensington Road, to G. J. Smith. I know No. 68 Stockwell Road. It is a newspaper shop between Clapham and Brixton. Letters are taken in at that place for a small fee. I also know No. 21 Anglesey Road, Woolwich. That is a similar place. I know No. 11 Ashley Road, Boscombe, near Bournemouth. That is also a similar place to the others I have mentioned.

ARTHUR NEIL, recalled, further examined by Mr. BODKIN—I have examined the handwriting of exhibit 95, which is the deed of release of the Mundy trustees, in the presence of Mr. Bellamy, the bank manager. I have also been through a number of exhibits in this case, and I have made a list of them. That list is exhibit No. 253. In each of those exhibits in the list No. 253 I find the handwriting to be similar to the signature to the deed of release. On the 15th February I saw the prisoner at Bow Street, and I said to him, "You are said to be identical with Oliver George Love, who married Caroline Beatrice Thornhill at Leicester on the 17th January, 1898." He said, "I am not." I said, "You are also said to be identical with Henry Williams, who married Bessie Constance Annie Mundy at Weymouth on the 26th August, 1910, and who died in her bath at Herne Bay on the 13th July, 1912." He said, "I am not, I know nothing about the place." He was placed up for identification in the Mundy case for Mr. and Mrs. Millgate and Sergeant Denghe, of the Herne Bay Police. Mrs. Millgate came in to identify him, and she touched the prisoner and said something which I did not catch, but the prisoner said, "She says she thinks I am the man." Mr. Millgate and Sergeant Denghe then saw the prisoner. The prisoner said he did not know the people. The week following the 22nd February I was also at the Court, and I then referred to the prisoner's marriage with Miss Pegler. The prisoner said on that occasion as regards Miss Pegler, "She is my only wife." A fortnight later, on the 9th March, the prisoner was put up with others for identification, and Mr. and Mrs. Thornhill and Mr. Burdett, three witnesses from Leicester,



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came to identify. The prisoner again said, "I do not know the people," and Mr. Crabb attended and identified him. The prisoner again repeated, "I do not know these people."

HAROLD REED, recalled, further examined by Mr. BODKIN—In the charge room after he had been charged, the prisoner said, "My conscience is clear."

Mr. MARSHALL HALL—I do not call any evidence.

[Mr. Bodkin then rose to sum up the case on behalf of the Crown, but before the learned counsel had proceeded with his address the Court adjourned.]

Closing Speech for the Crown.

Mr. BODKIN—May it please your lordship, gentlemen of the jury, you must start with the fact that the prisoner is a systematic bigamist. The motive suggested for the alleged crime is love of money, which, we contend, is the prisoner's predominant passion. The story as told by the prisoner at the Herne Bay inquest gave immense prominence to the suggestion of epilepsy. The woman was thirty-five years of age at the time of her death. Epilepsy commencing at that age is most unusual. She had never had it before; she had no recollection of ever being unconscious. She was a healthy woman. There was no history of epilepsy in the family.

Dr. Spilsbury and Dr. Willcox have both told you that it is most unusual for epilepsy to appear without any previous history of it in the family or at the age of thirty-five. If, therefore, you are of opinion—as I submit you should be on the evidence—that there was no epilepsy, then you get this position, that it was extraordinary that for a mere headache, of which alone she complained, a person should think it necessary to go at once to a doctor. The importance of that is that you find precisely the same condition of things repeated in the Blackpool and Highgate cases. In reference to the position of the body in the bath at Herne Bay, is it not clear that if a powerful man put his arm under the hook of the knee of a woman, it would be easy to move her body down in the water, which was deep enough by 3 or 4 inches to cover the whole of her face? That involves the lifting of the legs, and the legs were found raised. No stage of an epileptic fit or an accidental submersion from a faint will explain the position of the legs in which they were found. You have had it on the considered testimony of Dr. Spilsbury and Dr. Willcox that this death could easily have been caused in that way, and that it might have been, and that there was evidence that it was a sudden death.

And if it were a sudden death, the whole of the circumstances are explained, down to the clutching of the piece of soap in the hand. A reason for saying that it was a sudden death is something which the doctor and the coroner's jury did not see, and that was the "goose flesh" on the skin. I submit that the death was sudden—unexpectedly sudden—caused by the lifting of the legs and submerging of the face. The prisoner and the woman being alone in the house, he had the opportunity of committing the crime. The motive of the prisoner has been demonstrated, the opportunity admitted, and the exclusion of accident proved. You are entitled to look at the evidence as to the two other deaths to see whether the

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Mr. Bodkin

death of Miss Mundy was accident or designed, and, if designed, for the benefit of whom? You can also look at that evidence to see whether the death was part of a system or course of conduct—horrible as it is to think so—of deliberately causing people's deaths in order that monetary benefit might ensue to him.

The three cases are of such a character that such a large aggregation of resemblances cannot have occurred without design. In each case the prisoner went through the form of marriage; in each case the ready money of the woman was either realized or drawn out of whatever deposit bank it might have been in; in each case there was a will drawn in favour of the prisoner absolutely; in each case the will was drawn by a stranger to the testatrix; in each case the victim insured her life or was possessed of property which did not make it necessary to insure her life; in each case there was a visit to a doctor shortly before the death, which, we contend, was unnecessary from the physical condition of the patient; in each case the women wrote letters to relatives the night before, or on the night on which they died; in each case there was an inquiry as to a bathroom or the provision of a bath; in each case the woman died from drowning, and the prisoner was the first to discover it; in each case the bathroom doors were unfastened and the water was not drawn off until after the doctor had been; and in each case the prisoner was putting demonstrably forward the purchase of either fish, or eggs, or tomatoes to show that he was absent from the house in which his wife was lying dead; and in each case there was the prisoner's subsequent disappearance and the monetary advantage resulting or attempted to be made to result.

### Speech for the Defence.

MR. MARSHALL HALL—May it please your lordship, gentlemen of the jury, this case is without parallel in the history of English crime, and very extraordinary from any point of view. At a moment like the present, when the flower of our youth are laying down their lives for their country, does it not strike you as a great tribute to the national character of level-headedness that, with all the panoply of pomp and law, we have been assembled day after day to inquire into the facts of this sordid case, and to decide whether or not one man should go to an ignominious death or not? It is a great tribute to our national system of jurisprudence.

The prosecution have been driven to prove, for the purposes of their case, not only that the prisoner murdered Miss Mundy, which is the only charge upon the indictment,\* but that he murdered all

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\* Five bills had been found on two other indictments for the murders at Blackpool and Highgate, and these had been removed to the L.C.C.—E.R.W.



Mr. E. Marshall Hall, K.C.

# Speech for the Defence.

Mr. Marshall Hall

three of those women. The only principle on which that has been allowed is to prove a system of murder. You must not be prejudiced by the admitted fact that the prisoner has been guilty of bigamy four times, or allow your minds to be warped by the fallacious and specious argument that, because he had done reprehensible things at Blackpool and Highgate he should be condemned as the sort of man likely to have committed the murder of Miss Mundy. I cannot say there is an absence of motive, but, as a learned judge said in this building a few days ago, "motive may be an important factor, but it cannot convert suspicion into proof."

Before I leave the question of motive, let me remind you that the policies on the lives of Alice Burnham and Margaret Loftly were "endowment" policies, and not "all-life" policies; and you have it in evidence that the premium on a £1000 all-life policy was about the same as on a £500 endowment policy. Would a man contemplating murder have taken out what, in the event of sudden death, was the less remunerative policy?

A man who could commit such crimes as are alleged in this case is not only a criminal, but a monster almost without parallel. Your minds will revert to the prisoner's ejaculation the previous day, "I am not mad." Do you believe any sane man could have done what the accused is charged with doing? But no question of sanity has been raised here. If my learned friend's conclusions are sound, the prisoner has committed one of the most diabolical series of crimes that any records of any country have ever produced. One has to go back for a parallel to the days of the Borgias, when systematic poisoning extended over a period of years; but then there was political atmosphere, which raised the ordinary commission of small crimes above the level of the commonplace.

The calling of evidence as to the other two cases impliedly proves that the evidence in that of Miss Mundy is not conclusive. Is there one of you who, if Miss Mundy's case stood alone, and you knew nothing of the prisoner's antecedents, would say he was satisfied that the prisoner was guilty of her murder? I venture to think no one would dare to take on himself that awful responsibility. I am therefore entitled to ask you now to hesitate before you find such a verdict.

The calling of expert medical evidence by the prosecution has opened the door to the worst form of Americanism in the administration of British justice. Had the prisoner not been the pauper he is, had he been possessed of unlimited means like some recent American criminals, he might have procured experts to say that the cause of death was other than that stated by the experts for the Crown. I submit it is a very dangerous procedure that should be watched with the greatest possible care, and an absolute limit put upon it. It has reached its extreme limit in this case. One of the oldest rules of our criminal practice is for the time abrogated, and the Crown is

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allowed to call expert medical evidence to contradict, to explain away, the evidence already given by other medical men who are the Crown's own witnesses.

It will not have escaped your notice that the prisoner has not given evidence; if he had done so he would have had to be subjected to cross-examination on his past life and incidents, which would have brought us no nearer to the truth.\* My learned friend would have asked you not to believe one word of his story because he is not truthful, and has lived a life of duplicity for many years.

One thing that stands out in the case is the relations with Miss Pegler of this alleged master of crime. That girl, who for seven years has lived with this man and loved him, who, now that she knows the truth—that she never was his lawful wife, that he was a bigamist, and had not even been faithful to her, has gone into the box and told her story. She admitted that he was always kind and fond of her, and implied that she was fond of him, and that she had forgiven him that which women found most difficult to forgive, his infidelity to her. Can this man be the unmitigated monster suggested by the evidence for the Crown?

The theory put forward by the prosecution is that the prisoner murdered the woman by pulling up her feet, and so drowning her. I maintain that if you take the trouble to examine the bath and take the measurements of it and of the body, it is physically impossible to drown the woman in that way in 8 inches† of water; it is impossible, and it is incredible. If the prisoner had caught hold of her feet, she would at once have realised that something abnormal was going to occur, unless you think that her head was forced under water, in which case there would be marks,‡ There was no sign of a struggle. If you tried to drown a kitten it would scratch you, and do you think a woman would not scratch? The woman would realise the felonious intention of the man, and—unless she was drugged, of which there was not a particle of evidence—would try to save herself by putting out her arms.

The broad principle in this case is that there is not sufficient evidence on which you can safely come to an affirmative verdict that the prisoner is guilty. The other verdict open to you is one of not guilty, which would mean that you doubt whether his guilt has been proved. If you find affirmatively, it means that each and all of you on your oaths present that there is no other reasonable,

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\* As no evidence had been tendered by the defence of Smith's good character and no imputations had been cast on the character of any Crown witnesses, Smith could not have been cross-examined as to his past life, except in so far as it was directly relevant to the charge.—E.R.W.

† At least 11 inches, and probably more. See the evidence of Dr. French. I venture to think that, after the removal of the body, the water still measured about a foot.—E.R.W.

‡ See Introduction.

# Speech for the Defence.

Mr. Marshall Hall

probable explanation of the case except that the prisoner murdered the woman. Can you—dare you—accept such a responsibility? The other verdict commits you to no such dangerous or extravagant assertion—a verdict of not guilty may mean simply that you are not all quite sure. Can you be sure that the prisoner is guilty? You must remember that Dr. Spilsbury has said, with all his expert knowledge, that he dare not say that it was impossible for it to have been an accident.

Let me, with all the solemnity I can, with all the power of conviction I can put into words, say to you: be fair to yourselves, be fair to the prisoner, be just to justice itself before you decide the fate of this man by saying that this terrible accusation against him has been proved. I ask you to give this matter your most earnest and most careful and heart-felt consideration. Wipe aside from your minds all the mass of prejudice which has been unavoidably introduced into the case. Forget the character of the man as you know or suspect it. Wipe away all preconceived ideas, notions, and suspicions, and deal with the evidence alone. Upon that evidence, upon the substantive charge, "Aye" or "No," is this man guilty of the murder of Miss Mundy? Remember what I said to you, that unless the onus of proof is discharged by the prosecution beyond reasonable doubt, the man is entitled as of right to a verdict of not guilty. I say that the one and only verdict which you can rightly and conscientiously return is a verdict of not guilty.

## Charge to the Jury.

Mr. JUSTICE SCRUTTON—Gentlemen of the jury, you have listened for five hours to two carefully reasoned speeches, and I do not propose to ask you to listen to-night to such observations as I propose to make for your guidance. I do not think it is fair to you; I do not think it is fair to me; and, still more, I do not think it is fair to the prisoner; but there is something I want you to do to-night before I address you to-morrow morning. I have had put in a large room downstairs the three baths, and there is a 6-foot measure, I understand, as well as the 2-foot measure you have. I want you to go there and to look carefully at those baths, making such observations of them as occur to you from what you have heard in the course of the case, and also looking at them very carefully from this point of view; in those three baths three women have died. Mr. Marshall Hall has admitted to you that there is ample evidence of motive for the prisoner causing their death, that is to say, that there would be a marked benefit to him from their death. He has addressed you on the question of whether there is evidence of opportunity to the prisoner to cause their death. I shall have to say something to you about that to-morrow. The prosecution put forward the theory and ask you to find that those three deaths were designedly caused by

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the prisoner; that the drowning of each woman was the result of an intentional act by the prisoner. I think originally one theory was that the woman sitting in her bath, the prisoner approached her and pulled her feet up, thus throwing her back and her head under water. A modified theory was that he approached her while sitting in her bath and put his hands under her knees and lifted her knees up, or pulled them, thus pulling her head under water. The defence have suggested to you reasons why you should say the prosecution have not satisfied you that there are not alternative reasonable theories which account for the deaths. The last one is a fit of some kind not specified, called by the doctor epilepsy. Mr. Hall is inclined to throw over the word "epilepsy" in two cases; the suggestion is a fainting fit. Now, I do not want you to make up your minds to-night; you must not until you have heard me; but make a preliminary investigation of those baths from the point of view of those theories to see how far you as men of the world and common sense—quite as competent to judge how people take baths as the doctors are, with great respect to them—whether you think (you must not make up your mind finally, but form your provisional opinion about it)—but make up your mind whether you think the state in which the bodies were found fits in with one or other of those theories. You have heard the medical evidence about the effects of fainting and epileptic fits. You have heard the evidence of what the effect would be if either of the two state of things were gone into. You have the size of the bodies; you have the size of the baths; test in what way you think right the possibilities of the baths. Use whatever means you think right to exercise your judgment on the possibility of the woman being drowned on the various theories suggested. Include in your consideration this possibility—the possibility at any rate in the last two cases; possibly in the first—of this having happened: Wife to husband, "I am going to have a bath"; husband to wife, "All right, I will go and turn on the water for you"; husband goes to bathroom and turns on the water and waits; the wife comes in her dressing-gown or night-gown—night-gown, second case; dressing-gown, the third. The newly-married husband stays in the room, strips her or she strips herself: "I'll put you in the bath, my dear"; picks her up—an eight-stone woman; a nine-stone woman; lowers her into the bath, but holds the knees up. There is no evidence of it; there is no evidence about pulling the knees; there is no evidence about pulling the legs; there is no evidence about fainting; there is no evidence about epileptic fit. Consider the possibilities. I will tell you to-morrow how far it is necessary to be satisfied exactly how the death was caused, but consider the possibilities of all those various theories, looking at the baths, and with the measurements. Now, I am going to give you, Mr. Foreman, in order that you may follow it and test the evidence of Dr. French, my manuscript of my note of how he found the body



## Charge to the Jury.

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at Herne Bay and what he found; the statement of the prisoner at the Herne Bay inquest as to what he found, and the statement of the prisoner to the coroner's officer at Herne Bay—those are the Herne Bay documents. My note of the statement of Dr. Billing as to the Blackpool bath; what he found when he got there; and, I think, if you remember, on the Blackpool bath he made some pencil marks which you will bear in mind. The note of the prisoner's statement at the Blackpool inquest of what he found; the prisoner's statement at Blackpool to the coroner's officer. The letter of the prisoner from Blackpool to the wife's relations giving an account. The prisoner's statement at the Highgate inquest. He wrote no letter, if you remember, from Highgate to the relatives because Mr. Kilvington was there. There is one more document, the statement made by the prisoner to the coroner's officer at Highgate. Those are for you, gentlemen. If you want to refresh your memory as to exactly how the body was found they will enable you to do so, starting with a description of how it was found and a description of how it got there. Form your provisional opinion—if you are able to form any opinion as to how the body got there—as to which theory you think is probably right. When you form your opinions keep them as provisional as you can; you must not make up your mind until to-morrow, when you have heard me.

Mr. MARSHALL HALL—I was submitting to your lordship and to the jury that it is not open to them to consider any other theory than the prosecution theory. I understand from my friend that you are proposing to put to them an alternative theory?

Mr. JUSTICE SCRUTTON—Yes.

Mr. MARSHALL HALL—I did not deal with it because I did not want to prejudice the prisoner. I thought, my lord, on careful consideration, if I had dealt with it I should have deprived the prisoner of a very grave ground of objection, which your lordship will see.

Mr. JUSTICE SCRUTTON—Gentlemen, I will direct you what you have to take into your consideration, but I desire to say to you if, on looking at the baths, another theory occurs to you better than those which have been suggested, in my view you are quite entitled to consider it.

Mr. BODKIN—If your lordship would look at page 326, it is the evidence of Dr. Spilsbury at the Police Court. It is there your lordship finds what I think your lordship called the first suggestion of the prosecution. Your lordship sees the word is "legs"—"if the legs of the person."

Mr. JUSTICE SCRUTTON—Yes.

The Court adjourned.

Ninth Day—Thursday, 1st July, 1915.

Charge to the Jury—continued.

Mr. JUSTICE SCRUTTON—Gentlemen of the jury, Mr. Marshall Hall in his able address to you yesterday began by commenting on what must have been passing through all our minds as one of the ironies of life. Since last August all over Europe, sometimes in England, sometimes on the sea, thousands of lives of combatants, sometimes of non-combatants, have been taken daily, with no warning, and in many cases with no justification. No inquiry has been made at all, as, for instance, in the case of the "Lusitania," whether people should be sent to death. And yet, while this wholesale destruction of human life is going on, for some days all the apparatus of justice in England has been considering whether the prosecution are right in saying that one man should die. And it is quite right that it should be so. In England, in this national crisis, we have tried to carry on business "as usual," we hope with confidence of victory "as usual," but we are determined to maintain justice "as usual." And so we, you and I, approach, just as if this were a time of peace instead of one of the greatest world disturbances ever known in the history of the world, the question of whether the prosecution have proved to your satisfaction that George Joseph Smith is guilty of murder. The duty that you and I have now to perform is the most important duty that can fall upon a citizen in the administration of justice, whether in time of peace or in time of war. You perhaps noticed the final proclamation with which this case opened: "For the prisoner at the bar stands on his deliverance." I am not sure I am using the word in the technically right sense, but the prisoner at the bar, if he is innocent, or until he is proved guilty, looks to us to deliver him from the peril in which he is. We are the shield that stands between him and death, unless to your satisfaction, as advised by me on matters of law, he is proved to be guilty and, while we are the shield of the man accused, we are also the Sword of the State. If the man is proved guilty, we are the servants of the State to punish him. Mr. Marshall Hall said to you yesterday again at the opening of his speech, that, when you left this Court, and looked up at the dome of this building, you would see the Statue of Justice with the Sword in its right hand and the Scales in the left. If you look up when you leave, you will see that Mr. Marshall Hall had observed accurately. But probably he knows, and if not, I tell you that on some Courts of Justice there is another Statue of Justice; in her

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he had not been doing something he would not have been there." He is there presumed to be innocent until the prosecution have proved him guilty; and approaching the matter from that state of mind, you have to see whether the prosecution have satisfied you with reasonable certainty, the certainty you would expect in a matter of life and death, that he is guilty of the murder of Bessie Mundy.

Now, the first remark I wish to make to you is this—there is no direct evidence that he murdered Bessie Mundy. There is no direct evidence that he was present in the bathroom when she died. If you convict him you convict him on circumstantial evidence. Now, gentlemen, circumstantial evidence is a long word. There was a gentleman in one of Molière's Comedies \* who began his education late in life, and when he got to the distinctions between prose and poetry, found he had been talking prose all his life without knowing it. Circumstantial evidence is a long word, but you, gentlemen, have been acting on circumstantial evidence all your lives, very likely without knowing it. Circumstantial evidence means simply this, that having no direct evidence of a fact, you infer it from the evidence of other facts surrounding it, a process which all of us go through every day of our lives. I want to give you one or two illustrations so that you may understand exactly the bearing of circumstantial evidence. There is one which, is sometimes given, and which always raises a smile, and I do not mention it in a murder case in order to raise a smile, but because it pointedly shows what circumstantial evidence is. If you see a man going into a public-house, and you see him five minutes afterwards coming out, you can conclude that he has had a drink, on circumstantial evidence. You have not seen him have a drink, but from the place he has gone to, the purpose for which that place is used, and his action when he comes out, you will be justified in inferring, and everybody would be justified in inferring, that he had had a drink inside, though you had not seen him. That is circumstantial evidence. Take another case. You are on the edge of a wood watching a clearing in the wood, and there is a cottage there. A man comes out of the cottage and begins working in the garden. You watch him, and he goes back into the house. Presently there comes a man running from the wood towards the cottage with a pistol; he goes into the house; you hear a shot; he comes out running without the pistol; you run to the cottage and find the man whom you have seen working in the garden shot through the head. You would find, if the evidence stopped there, that that man whom you saw running had shot the other man and murdered him. Circumstantial evidence. You would not have seen it; there would be no direct evidence of it; but you would infer it from the facts that you had seen. Supposing the man who came running went into the box and gave an account of his being in the cottage, said

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\* M. Jourdain in "Le Bourgeois Gentilhomme."—E.R.W.

## Charge to the Jury.

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that the other man attacked him and the pistol went off in the struggle accidentally and shot him, it might put entirely a different complexion on the matter. It would depend how he gave his evidence, and the exact explanation he gave, and the jury would have to consider, in view partly of the direct evidence of the man, and partly the circumstantial evidence they had seen, whether they would convict. Suppose, instead of one man coming while you were watching twelve came, each went into the house and each went out, the man you had seen working in the garden did not come out. You are curious, and you go and see what has happened to him; you find three rooms in the house; in the top room the man is lying dead. You would not be able to convict anybody on circumstantial evidence there; you would have no idea which of the twelve men it was, if it was one of the twelve men who killed him. But the prosecution might go on, and they might supply evidence of a grudge by one of the twelve men; evidence of blood found on the clothing of one of the twelve men; evidence of a weapon found in the clothing of one of the twelve men; and then the circumstantial evidence would enable you to infer what had happened in the house, and possibly find the man guilty. In each case, you see, of circumstantial evidence it would be a question of degree whether the circumstances were such that the jury could draw with reasonable certainty the inference of what had happened which they did not see. In this case a woman has been found dead, and the prosecution say to you, "We will satisfy you by inference from the circumstances that, though there is no evidence as to exactly what happened in the bathroom, the death was caused by the designed act of the prisoner." They have to satisfy you of that; and the first question is, of course, do the circumstances that they prove to you raise such an inference, such a certain inference, of designed act by the prisoner?

Now, in the case of calculated and coldblooded murders, it is very rare that there is direct evidence. The man who in a fit of passion murders may do so before people, and there may be evidence of the outburst of passion and the struggle. In the case of calculation and deliberateness the man generally tries to conceal it; the murder had generally taken place with no witnesses; and calculated and cold-blooded murders have generally to be dealt with by circumstantial evidence, the question in each case being, are the circumstances such that the jury can, with certainty, infer that a designed act has taken place. I direct you—and if I am wrong the prisoner will have the advantage of it—that it is not necessary that you should be satisfied exactly how the death was caused, if you are satisfied that it was caused by a designed act of the prisoner. I direct you that in my own words, and I also direct you in the words of a judgment which I regret has not been more

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widely circulated in England, the judgment of Mr. Justice Windeyer,\* of the Australian Courts—"All that the law requires is that the offence charged must be proved. In proving murder, the exact mode of killing becomes immaterial if there is sufficient evidence to satisfy a jury that there was a killing by the prisoner under conditions which made it murder." That learned judge gives the illustration which will possibly have passed through some of your minds—and Mr. Marshall Hall mentioned it—in many murders the murderer burns the body, and when you find the ashes, proof being given as to whose body it is, you cannot tell from the burnt body how it was killed before the cremation took place; but yet juries are frequently able to convict, and frequently do convict, from the circumstantial evidence, including the fact that the body has been disposed of by burning so as to conceal what happened.

That is the point of view from which you must approach this case. Has the prosecution satisfied you that there are circumstances which lead you to the reasonably certain inference that Bessie Mundy met her death by some act of the prisoner. I do not know that there is any certainty in this world. If any of you have ever suffered from reading metaphysics you will probably have been convinced that there is none; because the metaphysician will conclusively prove to you that, though you think at the present moment a judge is addressing you, all that is happening is that there is some impression on the retina of what you think is your eye, which your brain translates into a belief that there is some one in scarlet who is addressing you, but there is really only your own mind; and so, while I think I am addressing twelve jurymen who are listening to me, all that happens is that there are some impressions on what I think is my retina which my mind—which is the only thing which exists in this world—translates into the belief that there are twelve men before me when really there are none. If once you get to metaphysics you will get no certainty at all. Again I quote Mr. Justice Windeyer—"In matters that regard conduct of men, the certainty of mathematical demonstrations cannot be required or expected; and it is one of the peculiar advantages of our jurisprudence that the conclusion is to be drawn by the unanimous judgment and conscience of twelve men cognisant with the affairs and business of life, who know that where reasonable doubt is entertained it is their duty to accept, and not of one or more lawyers whose habits might be suspected of leading them to the indulgence of too much subtlety and refinement." It is "reasonable certainty," considering that you are dealing with the matter of a man's life or death.

Now from what point of view are you to approach the circumstances to see if there is enough certainty? Two things you

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\* A late puisne judge of New South Wales bench. The passage is from his judgment in *A.G. v. Makin*, 14 N.S.W.R.—E. R. W.

## Charge to the Jury.

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must start with against the prisoner—had he the opportunity; had he the motive. If you cannot find he had the opportunity, I entirely agree with the passage that Mr. Marshall Hall cited from my brother, Mr. Justice Lush, "You cannot get out of motive a proof if the prisoner had not the opportunity." Proof that the man who benefited by the death was in France while the murder happened in England, while it gives a motive to the man gives no opportunity of committing the crime. So the first thing you have to do is to begin with opportunity. There is no doubt that the prisoner had the opportunity. He was in the house alone with Bessie Mundy the whole of that night and the next morning till he went to the doctor. Given an opportunity, the jury look at motive. Had he a motive? Supposing that his only income was derived from the life of Bessie Mundy and would stop when she died, and that no feelings of vengeance or vindictiveness were there, it would strike every one that there was no motive for his killing her; he lost by her death. If the facts are that he gained by her death, and Mr. Marshall Hall throughout the whole of his speech has assumed that there was evidence of a motive for the prisoner's action of that sort, the jury get the motive. Next, given opportunity and motive, you have to consider the facts of the death as proved, because it may be that the facts of the death are proved, and, when her body is found, the circumstances under which the body appears to have died may seem to the jury either to be equally consistent, or to be very nearly equally consistent, with accident or design, with a natural death or a death inflicted by another intentionally. So the jury have to take into account three things, the circumstances of the dead body and the way in which it is found, and the evidence they have as to the way it died—the opportunity of the prisoner to cause the death or not; the motive of the prisoner for causing the death. It may be that even then they are not sure whether it is accident or design. And then comes in the purpose, and the only purpose for which you are allowed to consider the evidence as to the other deaths. If you find an accident which benefits a person and you find that the person has been sufficiently fortunate to have that accident happen to him a number of times, benefitting him each time, you draw a very strong, frequently an irresistible, inference that the occurrence of so many accidents benefitting him is such a coincidence that it cannot have happened unless it was design. And it is for that purpose that the prosecution invite you to consider the circumstances of the death of Alice Burnham and Margaret Loffy. There is one purpose for which you must not consider it, and I state that in the words of Lord Herschell—"It is not competent for the prosecution to adduce evidence tending to show that the accused has been guilty of criminal acts other than those covered by the indictment for the purpose of leading to the conclusion that the accused is a person likely from his criminal

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conduct or character to have committed the offence for which he is being tried." That is a rule, I do not say peculiar to English law, but at any rate which the English law enforces and other countries do not. If this man had been tried in a French Court, the proceedings would have to begin by his cross-examination by the judge about every criminal act he had committed in the course of his life; a cross-examination conducted usually in a tone which starts by assuming that he is a criminal who can be guilty of every possible misdeed. I make no comment on the course of procedure of another and a friendly nation, but it is the state of mind in which a great many people of not much education would approach the matter, and if they found he had been guilty of a number of crimes they would be inclined to suspect him of many more. The English law does not allow evidence to be used for that purpose, and you must not use any evidence in this case for that purpose. When a person is tried, the judge has before him a list of his previous convictions; the jury are never told of his previous convictions unless in a very limited class of cases. In this case that man as he sits there has undoubtedly committed three bigamies. You are not trying him for bigamy. If he is acquitted here he can be punished for his bigamy on other indictments, and you are not at liberty to regard the fact that he has committed three bigamies and therefore is presumably of a criminal character as proving that he committed another crime, except for a very limited purpose, which I am about to explain.

And, as I am mentioning that, I may mention a circumstance which I hope you have forgotten, but which may possibly be in some of your minds. When the evidence was being given about prisoner's marriage with Miss Thornhill and counsel for the prosecution was endeavouring to fix a date, one of the witnesses blurted out in order to fix the date, "It was when he was away in prison." It has nothing to do with the case. We do not know what he was in prison for, or how long, and you are not at liberty to use that, and must shut that out entirely from your minds, because the only relevance would be, "Oh, he has been in prison, and therefore he may have done something that is not proved. That is not the purpose for which you may use it, and I direct you to shut that incident (as I told you at the time) entirely out of your minds.

You may use the evidence as to the other deaths for this purpose—to see whether it helps you as to whether the death of Miss Mundy was accidental or designed. It is putting it in a different way, but you may use it for this purpose; if you think that the prisoner has a system of obtaining money from women by going through the form of marriage with them and then getting the money either by robbery or murder, you may use the evidence of the other deaths for that purpose.

## Charge to the Jury.

Mr. Justice Scrutton

Now, I want to give you one or two illustrations of that sort of thing, in order that you may exactly understand for what purpose you may use these other deaths. Let us get away from crime for a moment. You are playing cards for money with three men; suddenly in the pocket of one of them is found a card of the pack you are playing with. Possibly your first view would be—it would depend a good deal on what sort of a card it was; if it was a “two” of one of the suits that was not trumps you would not think very much of it. Cards do sometimes tumble into odd places. If it happened to be the ace of trumps in the game you are playing at that time you might regard the matter with more suspicion, and, perhaps in view of the fact that cards do tumble about, you might say that in that one case only you could not form any opinion about it. But supposing on your mentioning it to some one else it turned out that on five previous occasions of playing for money the gentleman had had the fortunate accident of finding the ace of trumps in his coat pocket, what would you think then? What the law says you may think is that that series of fortunate accidents does not usually happen to the same person so many times, and that you may draw from that series of fortunate accidents the inference that it was not an accident at all, but that it was designed. That illustrates the way in which you may use, in dealing with a criminal case, the occurrence, the repeated occurrence, of the same accident to a person who benefits by the accident each time.

Now, I will give you three or four more illustrations. Two of them were put by Mr. Justice Windeyer in the judgment to which I have referred. In the case they were trying there—and, of course, the facts are not material for this case, except to enable you to understand the illustration—a man and woman were charged with killing babies whom they received from their mothers for a small premium for baby-farming. The only evidence given about the killing of the particular child was that it was received apparently healthy, and within a short time afterwards it was found dead, buried in the backyard; no evidence as to how it died, or what it died of. Evidence was tendered that in that house and in two previous houses occupied by the prisoner dead babies were found buried in the backyard; and that in other cases mothers had brought their babies to the prisoner for a comparatively small sum and had never seen them again. Now Mr. Justice Windeyer said—“A family might be unfortunate enough to take a house in the backyard of which babies had been buried by a former tenant; but no one could believe that it was by mere coincidence that a person took three houses in the backyards of which recent tenants had secretly buried babies.” There again, you see, it is the recurrence of the accident benefitting the prisoner which may cause the jury to believe that it was not an accident, but was design. Mr. Justice



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Windeyer gives another illustration which has the advantage—being delivered in an Australian Court—of a flavour which we do not get in England. “If A is found cremated by a camp fire so completely as to leave no trace of his death; on defence by B who was the last person seen at the camp fire with A, that A had died of natural causes and that he cremated him because he had no means of burying him and did not wish to allow wild dogs to devour the corpse, evidence of other bodies found completely cremated, and that B was also the last person seen with the men in those cases, would surely be evidence to show that A had been murdered and did not die naturally, as a series of natural deaths of healthy men when camping out with a travelling companion and of subsequent cremation would be so extraordinary as to leave no doubt when coupled with motive and other evidence that A had been murdered.”

Now, let us come back to England and take another illustration, which I am afraid we are familiar with. You have probably heard, gentlemen, that occasionally when a man is in pecuniary difficulties carrying on a business he is fortunate enough to have a fire at a time when his stock is insured, and insured for a price considerably higher than its market value. There is frequently no direct evidence of how the first fire was caused; but the jury is always allowed to consider the fact that the same gentleman has suffered the misfortune of fires before, with over-insurance, with a benefit to him at a time of pecuniary difficulty from the recovery of the insurance money—as showing that the thing which at first appears an accident has happened so frequently to the same man, benefitting him each time, that the jury is entitled to draw the inference that this fortunate accident has been designed, and is not the result of a mere coincidence; it depends in every case on the sort of thing that happened, the unusualness of it, the number of coincidences and the number of times it happened.

The last thing I want to say to you upon that point I will put to you in the language of Mr. Justice Bray—“If there had been but the one case charged in the indictment it was possible, though not probable, that the arsenic might have got into the food by accident or mistake, but when two other cases are proved where death happened on previous occasions to two other inmates under similar circumstances, accident or mistake becomes so improbable as to be almost impossible. The proof of each additional case increases the improbability of accident or mistake, and therefore tends to disprove it. It was necessary, of course, to show that the other deaths happened under similar circumstances, but it was not necessary to prove a system, or that the prisoner has conceived a plan to poison all her family. One other death under similar circumstances would tend to show the improbability of accident or mistake, and would on that ground be admissible.”

Gentlemen, it is for that purpose, and for that purpose only,

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that you must consider the evidence in the cases of Alice Burnham and Margaret Lofty, to see whether the deaths are sufficiently similar in their circumstances to lead you to infer that this accident, with its accompanying circumstances, so exactly alike, is almost impossible to have happened three times to the same man. You are not to consider it for the purpose of giving a formal verdict that he killed Alice Burnham or Margaret Lofty, though no doubt, in the course of your consideration, you have to see whether you are satisfied that it was a designed death as opposed to an accidental death. You are to consider it for these two purposes—to enable you to determine whether the death is accidental or designed—to enable you to determine (which is nearly the same thing) whether the prisoner has a system—whether you are satisfied that he has a system of obtaining money from women with whom he goes through the form of marriage either by robbery or murder.

Now, gentlemen, that is all I desire to say to you on the law, with one or two exceptions, as I go through the evidence. I shall have to point out about the admissibility of particular facts. I now come, having generally directed you as to the sort of question you have to consider and the sort of way in which you may use certain salient parts of the evidence, to consider the facts of this case. You will understand, as I said to you at the first, and as I want to say to you again, it is quite impossible in going through the facts that I may at times express an opinion as to some fact; but if I say anything that you disagree with, having heard the evidence, you will put that altogether on one side, because I am not here finding the facts. I cannot sit here for nine days without having some opinion about the facts; but it is not my opinion that matters, it is your opinion that has to be given effect to.

Now, gentlemen, may I just say one word to you in order that you may follow what I am doing. I will go through now, putting together the history of the evidence before you. I quite anticipate from the great care with which you have followed the case, and the great accuracy you have shown once or twice when a question has arisen as to what was said—I quite expect that I am telling you very largely what you know already; but I have been in the fortunate position throughout this case of having all the documents before me, and a large table to write at; you have so far seen none of the documents; you have been sitting in your box, and have had very little paper to write on. Therefore it is only fair in the case of the life or death of a man that I should put before you, having had more advantages than you, the consecutive story, although I daresay many of you could do it as clearly and accurately as I hope I shall be able to do. Then when I have gone through the facts I propose to do this—you have probably been doing it yourselves all through the case—I propose to call your attention to the series of coincidences in the three cases. It is a matter to which I think

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your attention will have to be very earnestly directed at the end of the case in order that you may say from them whether you think that series of coincidences could have happened by accident, or whether it happened by the design of the man who in each case benefitted.

Now, gentlemen, the history begins in 1898, and I may say, Mr. Foreman, that I will give you a paper with all the leading dates on it so that you may check it with your own notes, and have it before you when you are discussing the particular facts. The history begins in 1898, when George Oliver Love married Caroline Beatrice Thornhill at Leicester. The prisoner, while the proceedings were being taken at the Police Court, being challenged that he was George Oliver Love, said he was not. Three witnesses have been called before you—the mother, the witness of the marriage, and the sexton of the church where the marriage took place. They identify the prisoner as George Oliver Love, they are not cross-examined by Mr. Marshall Hall to show that they are mistaken, and the prisoner has not gone into the witness-box to say that he is not George Oliver Love. You must start, therefore, with the assumption that the prisoner is the person who married Caroline Thornhill at Leicester in 1898. You may also think, as you probably will, that he told a lie when he said he was not, at the Police Court. I am afraid that is only the first of a number of lies that you will find he has told; but you are not to convict him of murder because you think he is a liar; that would be infringing Lord Herschell's rule; the only purpose it seems to me for which you can use the repeated lies of which I think you will find he has been guilty, is this. He has not gone into the witness-box to give us the story of what happened in these three cases, but he has made statements to other tribunals which have been read to you.

You may use the fact that he has been repeatedly found out in lies in judging whether you accept the story that he has told to other tribunals, though he has not told it before you.

For that purpose you may use the fact, if you think of considering it, that he has repeatedly told lies.

Caroline Thornhill is still alive, according to the evidence, and there is therefore still a valid marriage, as far as the evidence goes, between the prisoner and Caroline Thornhill. She went to Canada in 1905. On 30th July, 1908, the prisoner, in the name of Smith—apparently his real name—went through a form of marriage with Edith Mabel Pegler. That was undoubtedly not a good marriage, because Caroline Thornhill was living. Whether he was liable for the penalties of bigamy for that marriage is uncertain, because it may be that owing to the circumstances under which his wife left him he had such a belief as to her death as would prevent his being liable to the penalties of bigamy. But, whether you think it is bigamy or not, it does not matter in this case at all; it is of no

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importance, because there is no suggestion that in his form of marriage with Edith Mabel Pegler there was any motive of robbery at all; therefore, there is no evidence on which you could find a system of going through the form of marriage for the purpose of robbery, because there is no evidence that he ever did rob or try to rob Edith Mabel Pegler. She lives with him until 1910. He is carrying on business as a sort of antique and general dealer, moving about a great deal, not a settled business, a business from which he does not seem to derive any very substantial income. In August, 1910, a man named Henry Williams meets Bessie Constance Annie Mundy, at Weymouth. During the Police Court proceedings the prisoner was challenged that in the name of Williams he married Bessie Mundy. He said, "I am not the man." Witnesses from Weymouth, the landlord and landlady, were called to identify him, and he said, "I do not know them." A very large number of witnesses connected with the Mundy case have identified him as being the man Williams. Again Mr. Marshall Hall has not cross-examined any of them to suggest that their identification is mistaken. His speech before you has proceeded on the assumption that the prisoner is the man Williams. He has not gone into the witness-box to say that he is not. Another lie, but open to the same qualifications that I put to you about the first lie. It seems to me you could only use it properly as throwing doubt on the statements which are put before you as being his statements of what did happen in the case of the three deaths that you are investigating. He is ready to tell a lie for his own benefit to get out of a scrape or to get advantage. Miss Mundy was then about thirty-three, in 1910. Her father, who had been a bank manager till within a very short time before his death, had died in 1904, and in 1905 her relatives and the family solicitor had induced her (the family solicitor seeing that she quite understood what she was doing) to make a settlement of her property of about £2700. I am not going to read to you that settlement, but I want you to understand, as probably you do already, exactly the position in which that settlement put her. The trustees paid her the income regularly; they did not pay her all the income; they paid her £8 a month, and that left certain sums accumulating in their hands, which might be used in an emergency. By the settlement it was provided that they should pay her the income during her life, and if she married there should be no power of anticipation. You see what that means, gentlemen. If she married she could not raise money on it, and could not borrow money on it; she could not in any way get an advance on the income if she was married; that is to keep the benefit of the property for the woman, so that the husband does not get hold of it. So that if she married her property was tied up in that way. You could not get a loan on it; you could not get an advance on it; she could only go on getting her regular income monthly,

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making provision thus for her life; at her death she could dispose of the money by will; if she did not dispose of the money by will it went to the next of kin; but she could by making a will say that any person she wished could have the capital sum. The trustees might, if they thought it was for her benefit at any time, invest the capital sum in buying her an annuity, in which case her death would benefit nobody, because at her death she would have nothing to leave to anybody. The annuity would die with her life. Therefore, any will that she made in favour of anybody was liable to be defeated by the trustees buying an annuity, and therefore leaving her nothing to will. And last, the settlement could not be revoked without the consent of the trustees, so that, unless the trustees consented, her only benefit out of it would be the £8 a month. Now, her money was tied up in that way, and, if you put it in the vulgarest commercial terms, she was worth £8 a month while she lived, with the possibility of her willing £2750 to somebody by will, but the trustees might defeat that by buying her an annuity. That was her pecuniary value, if you can put it in those sordid terms. On 26th August, 1910, the prisoner (I will assume now that Williams is the prisoner) marries her at the registry office at two o'clock, and, according to Mr. Wilkinson, the solicitor, to whom the two went together, that morning, before she married, the prisoner and the lady were at Mr. Wilkinson's asking that he should get from the family solicitor a copy of the will of the father. So that, if that is right, if you accept that, before he marries her he knows that there is the father's will under which she has some benefit. He gets the copy of the will; he gets the copy of the settlement; he gets a list of the securities in which the money is; and the prisoner asks, according to Mr. Wilkinson, if they can get any part of the capital, or a loan on the settlement, and he is told they cannot. The prisoner writes to inform the uncle of the marriage, and three days after the marriage writes again—"Bessie hopes you will forward as much money as possible at your earliest, by registered letter." Mr. Wilkinson (one would think with considerable propriety) advises the two to communicate with the family solicitor, Mr. Ponting, who appears to be well known in the west of England. Whether that is the reason or not, the prisoner leaves Mr. Wilkinson as solicitor and goes to Mr. Eaton; and to Mr. Eaton he says that the trustees have got accumulated funds of income and won't hand it over, and will Mr. Eaton get it. Mr. Eaton communicates with Mr. Ponting, and the cheque for the accumulated funds, which amounted to £138, leaving after three guineas costs, £135, comes on 13th September. Mr. Eaton, of course, very naturally, wants his costs, and the course that would happen would be ordinarily that he would pay the cheque that he received from Ponting into his account, and give a cheque for the balance to the lady, less his costs. The prisoner does not like that; they are

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going to buy furniture at once, says the prisoner; they want the money, a cheque is no good to them; they have not a banking account; and the course is taken of Eaton's at once cashing his cheque—he was quite certain, of course, that Mr. Ponting's was a good cheque—and paying the prisoner—or, rather, not paying the prisoner, but giving Mrs. Williams (Bessie Mundy) the money in gold on the 13th. The prisoner comes back to the lodgings alone, finds a telegram there, and says he is called to London. The prosecution suggest to you that he sent the telegram himself. There is no evidence of it, but they suggest to you that the inference, in view of what happened, is that he sent the telegram himself; and away he goes, as you will have no doubt, with the money. Then he sends to the woman that extraordinary letter which has been read to you, and which I propose to read to you again.

Now, reading this letter if you can, it is not to be used to prejudice the prisoner because of the wicked character it shows him to be. The only purposes, I think, for which you can legitimately use this letter are two. Does it satisfy you, or is it one of the items which satisfies you that this was a system of robbery of women whom he induced to trust him by going through a form of marriage; and, secondly, if you think that this letter is full of untruths you may use it when you come to judge of the credit to be attached to statements made by the prisoner on later occasions. Those are the two purposes for which you ought to use the letter.

[His lordship here read the letter (exhibit 58), set out at p. 87, of the evidence, and proceeded.]

Well, gentlemen, Mr. Bodkin's comment to you was this, that you can judge from the constant repetition in that letter, and the tone of the letter, the character of the woman and the character of the man. You have heard the letter, and you must judge of the force of that comment for yourselves. I do not think you can have much doubt that the statement about the disease was a wicked lie. When he came back to her in March two years afterwards it was then modified; you will remember it then was that he thought he had caught the disease and found he was mistaken; but he kept away so as not to give it to his wife. Of course a very different thing from the letter to her that he caught it from her, and that she was to keep quiet so that shame and disgrace should not fall on her; but in view of the fact that upon writing this letter he went straight back to Miss Pegler and lived with her as man and wife, do you think he ever thought for a moment that he had the disease, and that if he had he would have gone to Miss Pegler and lived with her. You must judge of that; whether this is simply a wicked lie to get the woman's money and endeavour to keep her quiet for fear that she would have to say that she was accused of having had a disease and given it to him? You will notice the double repetition of the way in which she is to account for the money;

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the treble repetition that she is to tear the letter up, having carefully learned it, and not to alter it so as to get mixed up. And you must use that letter for the two purposes that I have indicated to you—is it evidence upon the system of robbery? Is it evidence that he will tell any lie to get benefit for himself—and from that point of view does it enable you to judge of what credit you can attach to him when you come to his statements as to the three deaths?

Now, gentlemen, you will remember the dates. On the 13th September he goes away with that money in gold. On the 14th September from Bristol, where he is living with Miss Pegler (he has gone straight back to her), he is writing proposing to pay off the Woolwich loan on the house, and you will have very little doubt that he was using the money that he took from Bessie Mundy to pay off the loan on the Woolwich house. He does pay it off about a fortnight later as his letter says, "In solid cash." He tells Miss Pegler the story that he appears to tell her every time he goes away on one of these expeditions, that he has been going round with a young fellow he met.

During the year 1911, although he has paid off the loan on the house, he begins to borrow again; and the inference that you will probably draw from that is that he has no settled income of his own, nothing which brings him in a regular income; that his expenditure is greater than the money he gets, and that he is always having to borrow, or has the need of getting the money from somewhere. In 1912 he sees Bessie Mundy at Weston-super-Mare, on 14th March. He tells the lady she was living with that he has been looking for her for twelve months. It is for you to say whether you think that is another lie, and he writes, or gets the solicitor to write, the letter of the 14th March, which is intended to appease the trustees.

[His lordship here read exhibit 61, which has already been set out in full in Mr. H. Mundy's evidence and, in part, in Mr. Lillington's, and proceeded.]

Now, gentlemen, it is an extraordinary thing this example of the infinite forgiveness of women, and it is still more extraordinary that the solicitors should say, and there is no reason to doubt it, that reading the letter he asked the lady whether he might say that, and she said yes.

Now, the two are together again. They go to Leigh, they go to Ramsgate, and there are a series of letters which show that the prisoner is hard up for money. He is trying to collect some £2 10s. which Bessie Mundy ought to have from her aunt over some lodging transaction. He writes on the 29th March, "I am not short of £2 10s., which my wife asks her aunt to account for. I have a great many £2 10s. I am not short of money, and not likely to be. But I intend, cost what it will, that either my wife has what she is entitled to, or else there will be trouble even if I lost

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my——," some word which is illegible. He gets a cheque from the trustees for a small sum. 29th April, prisoner to Mundy, "When you send cheques, please write on the words: please pay bearer cash, as you know I never keep a banking account, so I do not want any difficulty in changing the cheque, and oblige." May 7th, "Please send cheque as soon as you can, and oblige." That is to the Woolwich people. May 8th, "Kindly let me know by return of post, the earliest possible date when you will send me the money due, as it is urgently required." May 11th, to Woolwich, "I hope you will be good enough to forward my amount as soon as you possibly can, as the money is very urgently required," and the money when he gets it is only £14. He sells the house and, owing to paying off the loans and the amount for making up the road, he only gets £14, I think. And Miss Pegler has some idea where he is, and is sending letters to him in Woolwich. On 14th May he is writing to the Woolwich people, "Please return all letters which come to the society for me to Mrs. Smith, 102 Ashleydown Road, Bristol." He is short of money, and Miss Pegler is inquiring about him. On 20th May he goes to Herne Bay, and takes the house at Herne Bay. I think Mr. Bodkin is quite right in saying to you, but you will consider for yourself, that the dates here are very important. From 18th June to 2nd July he is engaged in a series of discussions with Mr. Annesley, the solicitor. There is first of all the question of mutual wills; can he get a will from his wife which she cannot revoke; can there be a will with a covenant not to revoke it so that he is quite certain at her death to get money. Mr. Annesley suggests a case for counsel. I am not going to read the case, but the result of it is this. Any pecuniary value in the wife's will might be upset by the trustees buying an annuity; you cannot stop them doing that; consequently you cannot be sure that your wife's will will be worth anything, because the trustees may have used all her property to buy an annuity, and there will be nothing when she dies. The wife, if she makes a will, may revoke it, and though you may have an action for damages against her executors for not making a will, and for revoking, it is not certain to be worth anything, because the executors may not have any property; it may all have been used to buy the annuity. The settlement cannot be revoked without the trustees' consent unless you go to the Court, which will mean publicity, of course. Now, see what that means simply regarded as a commercial transaction; you cannot be sure that the will is of any value; you cannot be sure that the covenant not to revoke it is of any value; you cannot upset the settlement without going to the Court and having full publicity. That means, putting it simply commercially, I am talking solely in commercial terms, that his wife is worth £8 a month to him, out of which two people have to be kept, and he cannot get any more, and the only value of her



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will to him will be if she dies before the trustees have bought an annuity, or she has revoked the will; that is, the sooner she dies the more value she is. And his marriage with her is bigamous, and Miss Pegler is inquiring about him. The longer he lives with her the more risk of his being found out in bigamy. He knows counsel's opinion, and knows where he is on 2nd July. On 6th July he buys a bath. There are three dates really, 6th July he goes in; 8th July his wife goes in; 9th July the bath is delivered at the house. They have lived for five weeks in the house without a bath; they had not felt the want of it. The bath they buy is not a hip bath or a saucer bath, or a bath in which you have a bath by simply putting in a can or two of water. It is a large bath you have seen which would be rather a big thing to have in a bedroom, but which you might put in a room by itself. It is put not in the upstairs room nearest the source of water, which has a key, but it is put in a room further off, up more stairs without a key; and all the water has to be carried up to it. It is fixed on 9th July. On 10th July he takes his wife to the doctor. Now, I will read you the doctor's account of what was said. "About 9.30 a.m. Mr. and Mrs. Williams came in, Mr. Williams said his wife had had a sort of fit the previous day. That was as far as he got unaided by me. I had to ask him leading questions." He was asked what he meant by that, and we heard that Mr. Bodkin had been instructing him in the Police Court so that it sounds like Mr. Bodkin's depositions rather than the witness's. "I asked him whether there were any movements of the limbs or jaws, he said there were; he used the word twitching of the limbs. He said she opened and shut her mouth. I examined her tongue to see whether there were any scars or evidence of a previous fit. Not unusual to bite the tongue in a fit. I examined her heart and found it normal; pulse the same. I asked her and she said she had never had a fit before, and none of her family. She told me she did not know or remember anything about a fit, and that all she complained of the previous day was a headache." I pass on from that. At six o'clock on the 12th, two days afterwards, the prisoner comes again to Dr. French. "My wife has just had another fit." Dr. French goes round at once. "Williams called me to see his wife, she had had another fit; I found her sitting up in bed; flushed, rather clammy, and with moist hands; like some one recently awakened from sleep on a hot night; I think there was a lamp; light fairly good; I think the moisture was ordinary in that way. Heart normal; pulse normal; tongue not very clean; no marks of biting; flushing means nothing; tongue meant possibly stomach trouble. Prisoner said similar to other fit; movement of limbs. I asked her how she felt; either prisoner or she said 'a headache.' Prisoner in his ordinary dress. I never heard her complain of anything but headache." Now you will notice, gentlemen, that statement that she had had a

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fit rests entirely on the word of the prisoner. There does not seem to be anything in the doctor's observation which, but for the fact that he was told she had a fit, would have suggested it. The prisoner might have gone in that witness-box and told you on oath, subject to cross-examination, now that all the facts of the three cases are known—he might have told you about those fits. He has not done so. You may draw your own inference from that, such inferences as you think right.

That is the morning of the 12th, the second morning. Then, the morning of the 13th, the prisoner comes to the doctor a little after eight with a written note asking him to come round at once. Now, he has made two statements, one not on oath to the coroner's officer, one on oath at the inquest. Those are the two statements that I gave to you last night when we adjourned. The statement to the coroner's officer is this.

[Here his lordship read the statement set out in Kitchingham's evidence.]

[Here his lordship read the deposition of Smith at the inquest set out in Mr. Mowll's evidence.]

Now, the statement in both those statements is the same—“ We got up at 7.30; I went out; I came back at eight and found her dead; I did not carry the water up; I do not know when it was done.”

Now, gentlemen, you have heard the evidence given as to the size and contents of the bath; if half full, twelve buckets needed to fill it; if two-thirds full, twenty. A minute and a half to fill the bucket, because the tap runs slow, and two minutes walking with it upstairs emptying it and coming down again; that would make three and a half minutes a bucket; and for a half-full bath forty-two minutes; with a bath two-thirds full, an hour and ten minutes. Is the prisoner's account of what happened about that bath, do you think, right? Can it be right? “ We got up at 7.30; I went out; I came back at eight and found her dead; I did not take the water up.” He has not gone into the witness-box to tell you anything about it; he might have, and he might have been cross-examined. He has not done it; he has left it on this statement here. Do you think it can be true? It is entirely for you to consider. If you think you do know from him what happened in that house that night—you see, you have got the opportunity; he is there with the woman alone; you have got the motive; as soon as she dies pecuniarily the better for him, and the less chance of his bigamy being exposed.

Now, of course, something turns—must turn—on the way in which the body was found; and you have the fact to which you must give the fullest weight in favour of the prisoner, that the doctor who saw her twice on the Wednesday and the Friday morning, and again on the morning of the death, said at the inquest that he

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thought it was an epileptic fit, and the fact that he says now, "I do not think it was now." As I shall have occasion to say to you about other witnesses, and as already you have said to yourselves, of course you must always be careful about people who remember things after the event. There was an old philosopher who is reported to have said, "If my foresight was as good as my hindsight I should do a great many things differently"; and there is no doubt that when something dramatic has happened and people hear of it afterwards, they begin to think they knew it all along, and they sometimes change the view which they expressed at the time, because of the events which have happened; and, of course, you must judge of Dr. French, having seen him in the box, when at the inquest he said he thought it was an epileptic fit, and when he now tells you that he thinks it was not. You must give that your very careful consideration. As I pointed out to you, and as he says, he had to rely for his statement as to fit on what the prisoner told him; he never saw her. From what he saw he does not seem to have thought it was a fit, except from what the prisoner told him; but, as he said, you very rarely do see your patient in a fit; you cannot be there at the time the patient has the fit.

Then comes the question of the position of the body in the bath. Now, gentlemen, you have had the opportunity, having had the statements of the policemen before you, of looking at the bath for yourselves. I want to say this to you, as I said shortly last night. I do not think a doctor has any special qualification for telling you how people take a bath. He takes his own bath, and he knows how he takes his own bath, and you take your own bath and you know how you take your baths; but it is not part of his medical education to study how people take baths; and he does not as a doctor attend them when they are taking baths. So that so far as taking baths is concerned, my own idea is that you are in as good a position, and rather better, than a doctor is, because you will be twelve men together talking about baths, and he only considers the one case—his own case. But the use to you of the doctor's view is this: it is something like the evidence of handwriting experts. He is very well acquainted with the size of the body and the comparative proportions; he is very well acquainted with the phenomena of fainting, and with the mental condition in fainting, and the mental condition in epileptic fits; and having that advantage over you, he can point out to you matters for your consideration as to the physical position which the body might take in a faint or having a fit in a bath. But as I, personally, and as most judges tell juries, you are as good judges of handwriting (for instance) as the experts; the only advantage that the experts in handwriting have over you is that they are so used to comparing handwriting that they point out to you a number of little differences which you might not have detected for yourselves, but when you have them

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pointed out to you you are in just as good a position to form a judgment as the experts are. That is the use which you should make, in my view, of Dr. Spilsbury's and Dr. Willcox's evidence on this point. They point out to you matters which you ought to consider in considering the probabilities from the position in the bath.

I think what their evidence comes to is this. First of all (which you might have arrived at for yourselves), you can have a bath standing up; you can have a bath kneeling; you can have a bath sitting; you can have a bath lying; you have probably very soon found that for yourselves, if you have thought about it. Standing or kneeling, it is quite possible that in a fit or a faint the body might get drowned; but most probably—and it is entirely, I think, for you to judge whether this is right or not—you might not agree with Dr. Spilsbury—but most probably you would go face forward and be drowned with your face downward. Sitting or lying, you would most probably—and again it is entirely a matter for you—be lying with your head to the sloping end of the bath. The straight tap end of the bath is not the sort of thing that you would sit against or lie against if you could help it, and, sitting or lying, you are against the sloping end, and are very likely, if you faint or have a fit, to stay there; it is very unlikely that your head, if you faint or if you have a fit at the sloping end of the bath—it is very unlikely that it will move much—it will rest on the slope which was handy for it to fall upon. That is entirely a matter for your consideration. You have seen the bath. You have heard Dr. Spilsbury's evidence, and you must consider it.

The real things which you have to consider seem to me to be two. First of all, the position of the legs. Now, you must consider very carefully how the legs got into that position. They were apparently straight, going from the hips to the edge of the bath. I am not going to say much about this to you, because I daresay you have considered it and formed some opinion about that position. How do you think the legs got into that position? In a faint? How did they do that in a faint? In a fit? At what stage of the fit? Or is it this—you must consider it; she has got to be found with her head under water; in what height of water; if you put her head under water, what are you to do with her legs; where will her legs be if her head is under water; will they be where they were found, or something like it? If you keep them down will you be able to keep her head under water? That is a matter that you will judge of, and I am not going to say anything more about it. It seems to me to be one of the crucial things you will have to consider—how you account for that position of the legs.

Another thing you may consider—though Mr. Marshall Hall treated it as if it was a difficulty in the way of the prosecution, I rather think it is a difficulty in the way of everybody—is the soap.

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It looks on the evidence that, fainting, you would relax when you fainted. Fit, you would relax in the third stage; you would not be drowned in the first, because you are not breathing at all; you would relax in the third stage, when you became limp. Dr. Spilsbury tells you the only way he can suggest—and this is a matter where medical evidence is of some value—is a sudden death on immersion, a grip in the sudden immersion, and instant rigor, so that the grip in time of immersion is changed into rigor on death. You must consider whether the soap helps you one way or the other. You may entirely disregard what I say, if you like; as I have told you, you are the judges of fact; I only indicate to you, as a result of my experience, that it looks to me as if the key to the situation, and the thing you ought to consider most carefully, is the position of the legs. And you must consider very carefully whether the key to the position of the legs is that when the doctor comes he must find the head under water, if it is design, and that it is difficult in that bath to have the head under water, with that height, unless you have got the legs put into something like the position you find. That is a matter that you must judge of yourselves, having carefully examined the bath, which I have not done; it is a matter on which you must form your own judgment.

The verdict was—"Whilst taking a bath had epileptic seizure, causing her to fall back into the bath and be drowned." As I have told you, you are not bound by that verdict in any way. You have to decide the case upon the evidence before you. You have a great deal of evidence before you which that jury had not. You are trying this case after three women have died in baths in these extraordinary circumstances. You know the whole history of the discussion about the will and the settlement; the other jury did not. You are not bound in any way by that verdict. But you may take into account, and should take into account, that at the time, in spite of a warning letter from the relatives, the jury did not think the matter suspicious, although from some of the questions they asked, obviously they saw some difficulties.

There she is, dead. Death on the Saturday; inquest on the Monday, the 15th; funeral on the Tuesday. The prisoner sends short letters to the relatives; and on the day of the funeral there comes the conversation with Miss Rapley. Of course, you must give your careful attention to whether you think Miss Rapley's memory is accurate, and if you think it is accurate, what you make of that conversation.

As I have suggested, and as I shall have to suggest to you about other witnesses, when a lady comes two years afterwards, when she knows of the three murders, and tells you that she remembers the prisoner looking wild, or agitated, it is very likely that, talking it over with her friends, she does remember that she always thought there was something wrong, and says, "Oh, he looked wild, or

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agitated," and I quite agree that one should attach very little weight to these recollections of the appearances of people. A detailed conversation is rather a different matter. Mr. Marshall Hall, in the exercise of his discretion, did not favour us with much exhibition of his powers of cross-examination; but he did give Miss Rapley the benefit of twenty minutes, and you had the opportunity of observing how she answered a master of the art of cross-examination. You must judge for yourselves whether Mr. Marshall Hall made much out of that twenty minutes or not. You heard her tested by cross-examination in a way which very often tells a jury whether a witness is a witness whom they can rely upon or not. She gave you the account of a very remarkable conversation. She said, "Prisoner came in extremely agitated." Gentlemen, you have seen the prisoner. At times he has sat quite stolidly; at times he has had outbursts. You will form your opinion as to whether he is a man of very balanced character or not, or whether his character is rather unstable. According to Miss Rapley at this time he showed extreme agitation. "He put his arms on the desk, head down, and began to sob." She said, "What is the matter?" He kept sobbing. "Has anything happened?" "Have you not heard?" "What is it?" "She is dead." "Who?" "My wife; she had a fit during the week; went to have a bath; had another fit, and when I came back I found her dead." "I could not say anything." Naturally she was shocked—"I looked at him. He said, 'Was not it a jolly good job I got her to make her will.'"

Now, first of all, do you think that was said, and, secondly, why do you think it was said? Is it the mistake that a clever man sometimes makes—they do sometimes make mistakes, and that is why they are found out sometimes—or, is it merely an incongruous remark of an unbalanced character saying a stupid thing?

The PRISONER—You may as well hang me at once the way you are going on.

Mr. JUSTICE SCRUTTON—Miss Rapley goes on: "He said, 'Is it not correct when people are married for a wife to make her will and leave everything to her husband, and for her husband to make his will and leave everything to his wife.' I said, 'Did you make yours?' He said, 'Yes'; I said, 'I thought you said you had not got anything.' You will remember that he said his wife had the money. He said, 'I have made my will all right.'" Now, gentlemen, there is the conversation, and you heard Miss Rapley cross-examined. You must judge whether you think she faithfully recorded what was said; and, if she did, why that extraordinary odd remark about its being "jolly lucky" was made.

The PRISONER—Get on, hang me at once, and done with it.

Mr. JUSTICE SCRUTTON—Now, where are we now? Bessie Mundy dead. Prisoner with a will entitling him to somewhere

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between £2500 and £3000; but the prisoner in the name of Williams, and having committed bigamy. How is he to get back to Smith? Miss Pegler joins him in August at Margate; they live together at Tunbridge Wells, and then go back to the west of England, and from Parrs Bank, Herne Bay, to Tunbridge Wells, and then to the Bath bank the money goes to him as Williams. It is drawn out in gold, and gold is paid into the account in the name of Smith. "Williams" has got back to "Smith"; and the money has got from Williams' money to Smith's money. Of course, it does not follow from that that it was part of a system of murder—

The PRISONER—You can go on for ever; you cannot make me into a murderer; I have done no murder.

Mr. JUSTICE SCRUTTON—It may be a system to cover bigamy; because you see he was in the same difficulty, if it was merely bigamy—that he had gone through a form of marriage with Bessie Mundy, as Williams, at a time when he was married to Thornhill, and had gone through a form of marriage with Pegler. Therefore you must consider whether the explanation of that is, not whether it is consistent with a system of murder, but whether it is simply compatible with a system to cover up bigamy. He is also very careful—and the same remark applies to this, that it may be a system to cover up bigamy—he is also very careful to have no inquiries made as to Williams from anybody knowing Williams, passed on to him.

3rd December, 1912, Williams to his solicitor, "You enclosed me some time ago a letter; I trust you will not forward any more, and tell any one else who inquires after my address; you have no instructions whatever to disclose my address or business affairs." 6th December, "I have now a letter sent to my address here, and it is causing friction. The only persons who know my address belonging to Herne Bay is yourself and clerk. I could swear to that. Now, how could this particular person write me without you or your clerk giving my address." 9th January, "Should any one from Herne Bay, &c., inquire of my address, kindly tell them you have no instructions to disclose my business—"

The PRISONER—Yes, because I was being blackmailed.

Mr. JUSTICE SCRUTTON—9th January, "Should any one from Herne Bay write you for my address kindly return that you have no instructions to disclose my business." Now, as I said, gentlemen, again, it may be simply to cover up the bigamy; it may be a more serious system; but there it is. You will remember in connection with that last incident that I read to you, that Mr. Marshall Hall, apparently on instructions from the prisoner, put a most detailed question to one of the witnesses as to whether he had not written asking for a loan of £1000, and that witness, apparently with every appearance of surprise, gave the most

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absolute denial to the suggestion. You must judge of that again upon the question of the credit you attach to the prisoner's statement. To Miss Pegler, according to her statement, the prisoner accounted for his money by saying that it came from the sale of a Chinese image, which he bought in Canada, for which he got £1000. He buys seven houses in Bristol.

The PRISONER—What about it? That does not say I done a murder. It is a disgrace to a Christian country, this is. I am not a murderer, though I may be a bit peculiar.

Mr. JUSTICE SCRUTTON—For £3587. He sells them in the summer of the next year, 1913, for £1400, or £1500; he loses somewhere about two-thirds of his money in that way; and the proceeds—I am summarising this, but you will remember the evidence about the banking account—with the proceeds he starts buying an annuity for some £1300, or of £76 a year.

That brings us to the start of the second case. He tells Miss Pegler, somewhere in September, that he has lost so much money on property that he is going to Spain, and he goes away; and in the same September he is found at Southsea, or Portsmouth, buying through the North British and Mercantile agent there an annuity with £1300, the proceeds of the houses. He has met there Miss Alice Burnham. Now, I do not repeat again, but just remind you of this. You have now got to the stage when you are considering whether this evidence as to the other cases helps you as to whether Miss Mundy's death was accidental or designed. That is the purpose for which the rest of the evidence can be used.

The PRISONER—You are telling the jury I murdered the woman.

Mr. JUSTICE SCRUTTON—Miss Burnham had been for three years a nurse at Southsea. She had had rheumatic fever when she was ten. She had had something like a fit; something which her people thought was a fit about the same time, when she was ten. Dr. Spilsbury says it may be chorea, it may be a form of St. Vitus dance. Nothing had happened since she was ten till she was twenty-five—nothing for fifteen years. Somehow or other the prisoner knew about that, because the day after her death he writes asking her people for the dates when she was in hospital, and for the dates when she had rheumatic fever; so that he must have heard during her life about those incidents. She was nursing at Southsea and her position as to property was this. Partly from her father's contribution, and partly from savings, she had £100 with her father; she had lent her sister £10, and she had £27 in the Post Office Savings Bank. That was the money she had. In October the prisoner is engaged to be married to her in the name of Smith. Now, at Herne Bay and Weymouth he was in the name of Williams. It is possible—but you must consider this, it is mere conjecture, I think—that he goes on with Miss Burnham in the name of Smith, being the same name that he had with Miss Pegler, because he had



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been carrying on as we know he had been. He is tied to "Smith" at Southsea if he is to continue his operations with the insurance company. That you may consider, it is merely conjecture as to why he gives his real name with Miss Burnham when he has another name with Miss Mundy and Miss Loft.

On 21st October Miss Burnham withdraws her £27 from the post office. Now, you may think possibly that there is not very much in that, because she visits her parents on 25th October to 31st October, and she is married on 4th November; and possibly it would not be a very unreasonable thing for a lady about to be married to withdraw some of her money; but those are the dates. While apparently the prisoner was courting Miss Burnham, through Pleasance he is investing in the name of Smith the money that has been obtained by the sale of the houses in the purchase of this annuity. And he does make a very extraordinary statement, if the theory of the prosecution is true. Because he tells Pleasance, according to Pleasance's evidence, that about his birthday, in January, he would be able to invest an additional sum besides the sum he was then investing, a sum of about £400 or £500.

The PRISONER—I told him nothing of the kind.

MR. JUSTICE SCRUTTON—From land in Canada. Now, so far as the evidence goes in this case, he never was in Canada, and he had no land in Canada; so that that part of the story is about as much fiction as the reasons he gives for having £1000 to invest from land at Bristol. Mr. Marshall Hall suggested to you that it was a very natural precaution, because he would be a year older, and would get the benefit of better terms for his annuity; but, apparently he had not waited to be a year older before he invested his £1300. He had got that in; and, you must remember, where was this £400 or £500 coming from? Of course, the theory of the prosecution is that it was one of the most cold-blooded statements that it is possible to conceive—that he knew by January that the woman would be dead, and he would have the insurance money, and that that was the £500 which he was going to invest in October. And we know, gentlemen, that that was the £500 which he did invest in January when his birthday came; it was the money that came from the insurance policy on Miss Burnham, who had died before January. If the theory of the prosecution is true, it is such a cold-blooded statement that one finds it difficult to realise that a man could be such a cold-blooded and callous scoundrel. We have not had the advantage of any denial by the prisoner in the box that he made that statement, or any explanation if he made it, how he came to make it, or what money he was speaking about. There it is for your consideration. Whilst the prisoner is discussing this £1300 annuity with Pleasance the question of the insurance on the life of Miss Burnham is raised.

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The PRISONER—You would be just as likely to believe me in the dock as in the witness-box—just as likely.

Mr. JUSTICE SCRUTTON—I think it is quite possible that that remark is accurate. A proposal is put forward for £1000 on the life of Miss Burnham. When it is put forward it is not known that she is going to marry the prisoner. Upon that being known, Pleasance says there will be a larger premium. The prisoner says that he does not want to pay more premium. Then the proposal is adjusted to £500 endowment instead of an insurance policy. Mr. Marshall Hall points out that that does not look like contemplating murder, because for an extra premium of £10 he would get £500 more, and if he were thinking of murder it would be a cheap investment. Gentlemen, you will give that full consideration; it is a very relevant and important remark for counsel to make. Pleasance says that Alice Burnham said to him that the insurance, if she survived the twenty years' endowment, was to be for herself, and if she died before, was to be for her mother. Alice Burnham had, under the circumstances which have been shown to you in writing, an operation in March of that year for peritonitis, an operation under an anæsthetic. Before she had that she was examined by a doctor as to her heart. Again, Mr. Marshall Hall is right in saying that it is not evidence that she had not got a weak heart that they risked such an operation. At that time the doctors were satisfied as to the state of her heart. She went through the operation and recovered quickly, and was apparently therefore a woman of some strength of constitution. Two doctors examined her, or, rather, one doctor examined her, and one reported on her at the time of the insurance. Dr. Burrows examined her on 4th November, found her healthy, heart good, and recommended her as a first-class life. Dr. Stone, who had given the anæsthetic at the operation, reported her as healthy, and heart good. That is on 7th November.

In the case of Miss Mundy, the husband and wife made wills in each other's favour at the same time. In the case of Miss Burnham, the prisoner made a will before Pleasance in the favour of his wife; it was duly witnessed; but he said he would not think of allowing his wife to make a will in his favour. Why he should say that I cannot conceive. You must consider it.

The marriage is 4th November. Now, see what happens. The money in the Post Office Savings Bank has been drawn out, but Alice is entitled to the £100 from her father, and the £10 on account from her sister. The prisoner starts to get the £100. 11th November—"It is mentioned in the letter Alice received on the 11th instant that, as I have an income, the £100 and interest should stand over. A more foolish and illegal action I have never heard. The money is payable on demand, failing which, I will take the matter up myself without further delay." 18th November—"On behalf of my wife, who wrote you a fortnight ago requesting you to forward

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on to her the £100 with interest which you were minding for her. I request you to forward same to her at the above address on or before the 22nd inst., failing which I shall be compelled to take the usual course in order to secure the sum referred to—regardless of costs. Yours, &c., G. Smith.” On 22nd November the solicitors for Mr. Burnham write to him—“We need hardly say that if she desires her father to send this money it will be forwarded to her in due course. It is, however, not unnatural that Mr. Burnham should be concerned that his daughter should have married a man about whom he knows so little, and he desires us to ask you to be good enough to forward to us particulars of the date and place of your birth, and information as to the names, position, and place of abode of your parents.” Well, it is not at all unnatural that the relations of a woman whom a man marries should perhaps ask him who he is, and what his position is; but it is quite possible that it may irritate him very much if they do it through a solicitor. It is not the channel that you usually select in asking your son-in-law who he is. However, it does seem to have irritated the prisoner very much, and his answer is—“In answer to your application regarding my parentage, &c., my mother was a bus horse, my father a cab driver, my sister a rough rider over the Arctic regions—my brothers were all gallant sailors on a steam roller. This is the only information I can give to those who are not entitled to ask such questions—contained in the letter I received on the 24th inst.” 22nd November—he is still apparently excited—“Sir, I do not know your next move, but take my advice and be very careful.” Crossing that letter the solicitors send the £100 and interest, £104 1s. 1d., which is paid into the prisoner’s bank at Landport. That correspondence winds up on the 1st December—“Sir, I have all the copies of the letters, &c., my wife and self have sent to you and yours, also all letters, &c., we have received relating to same and family matters which I intend to keep for the purposes of justice.” So that the £100 has come. Now, the £10. That is asked for, and is sent on 25th November, and the prisoner gives a receipt for the letter enclosing it. Insurance policy—there is notice of acceptance by the company on 2nd December, and the premium is paid on 4th December. £100 collected; £10 collected; insurance policy effected. 8th December—Alice goes alone to a solicitor and makes her will in the prisoner’s favour. After her death the prisoner says to Pleasance that he was surprised when he found it in her things after her death. So the prisoner is saying—he has not said it in the box before you, but he is saying to other people, or suggesting to other people, that that will was made without his knowledge. He has made a will in her favour, but it is entirely without his knowledge that she has made a will in his favour. There are the mutual wills, anyhow, as there were at Herne Bay.

That is 8th December. All the money that can now be got has been got. The £100 has come in, the £10 has come in; there is no

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money in the Post Office Savings Bank, and the prisoner is in the position that he is living in bigamy, in his own name this time, not in another name, with no more money to come from the life of his wife, with a will in his favour, and an insurance policy which will make his wife's death a benefit to him; so that the benefit to him would come from the wife's death and not from the wife's life; the risk comes from the wife's life—the risk of exposure.

On 10th December, desiring to take a holiday from the south of England, in December they go to Blackpool. They go to Mrs. Marsden. At the house in which they had lived for five weeks in Southsea there had been a small bath, which they had never used. Mr. Marshall Hall says, and the witnesses agreed with him, that hospital nurses were clean. They had gone on for five weeks without a bath in the lodgings they were occupying at Southsea. But he goes to Mrs. Marsden at Blackpool. She said—"I showed them a bedroom; the bedroom was all right; the prisoner asked me if I had a bathroom? I said 'No.' He said it would not do for them." And he is recommended to a house where there is a bath. He goes to Mrs. Crossley. The same conversation takes place there, except that it is the lady who asks the question, and Mrs. Crossley says, if you accept her evidence, that the man said something to the woman before the woman said, "Oh, yes, have you a bathroom?" "Yes," says Mrs. Crossley. The same evening, the 10th, Alice Burnham has a headache, and is taken to a doctor by the prisoner. I will read you Dr. Billing's account. "He came, 10th December, with a young woman he said was his wife, about 5.30 p.m.; he said she complained of a headache; that is all; he said they had had a long journey from Portsmouth; headache attributed to the stomach; cannot say by him. I examined her; pulse nothing out of the way; rather slower than usual; examined her tongue; ordinary questions; suffering from some constipation; tongue rather dirty; tongue coated; looked rather tired; extremely fat; looked quite healthy; gave her headache and stomach mixture." Thursday, 11th—Life very much as usual. They go out together, ordinary meals, and picture palaces, nothing unusual. Friday, 12th—An incident, which is perhaps not of very great importance, the landlady sees the woman writing a letter, and the man looking over her shoulder, says, "I should not put that." The only postcard produced has no signs of an erasure, and Mr. Marshall Hall suggested that possibly Mrs. Crossley must be mistaken about that. It is very easy to tear up a postcard. It is a question whether you think that it shows that the husband was seeing what the wife wrote. You may think that there is not much in it. Then comes the bath. Just before eight the woman is told the bath is ready. The bed-sitting room, which the two had, is on the first floor front; the bath is on the landing. Alice Crossley's evidence is, the woman going to the bath in her nightgown; no one sees where the prisoner is, but Alice Crossley says she supposes he was in the room, but she did not see

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him. The three—Mrs. Crossley, Alice Crossley, and Alice Crossley's husband—sitting in the kitchen. Then comes the incident about the water. All three say—the women giving more size to it than the man, that water came through the ceiling from the bathroom. They say that it came dripping from the little moulding against the wall, and that it ran by and stained the pictures. You know from the doctor's evidence that when he came the water was within half an inch of the top of the bath. Gentlemen, you must consider whether that helps you at all. You probably know people—I do—who cannot have a bath without putting all the bath on the floor—more men than women. You will use your family experiences about that. On the other hand, of course, it is curious that something did happen in that bathroom, if you accept the evidence of those three people, which did put a fair amount of water over out of the bath on to the floor. Some little time after the water came through, the prisoner appears at the door of the kitchen. He has bought some eggs for breakfast the next morning. It is curious that at Herne Bay he had gone out to get some fish; here he has bought some eggs for breakfast the next morning. He stays talking about motor engines and various things in Blackpool for some time. He stops talking and he goes a little way up the stairs, and calls out, "Alice, when you have done put the light out." Well, the prosecution say to you that that is a very touching solicitude for the gas of the landlady for which he was not paying, and they suggest to you—you must consider whether you think it is too suspicious—that it had nothing to do with the gas or any desire to save it, but that it was the means of gradually getting attention to the fact that something had happened in the bathroom. You must judge what you think of it. The other Alice, Alice Crossley, hearing "Alice" called out, comes out. The prisoner, who has called out "Alice" and got no answer, goes up; finds something wrong. "Send for Dr. Billing," and Dr. Billing comes. He finds—and this is a matter again on which I am not going to say much to you, because you have looked at the bath, and you will form your own conclusion—he finds the woman sitting at the narrow end of the bath, with her back towards the tap, with the prisoner supporting her with his arm. Now, gentlemen, as I say, you have seen the bath, and you have seen the marks, and you will have formed your own opinion, and it is not much good my making remarks to you, as I have not seen the bath nor the marks. The impression I formed simply from a distance I will tell you, but you are absolutely at liberty to disregard it, because I did not check it at all, and I did not see it as you did; but the impression I formed from a distance was that it would be very difficult for a woman with the back of the spine in that position, to get into that position in the bath. But that is a matter which you will judge for yourselves, and you will quite disregard any view which you may think I have formed. It was also very puzzling, looking at the bath, to know why any intelligent woman

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should get into the bath in that way, particularly if she was a stout woman; but that, again, you will judge, remembering the size of the bath and what you noticed.

The prisoner has given three detailed accounts of that incident. He has given an account to the coroner's office, he has given an account at the inquest, and he has written a letter to the relatives. I do not know whether you noticed, gentlemen, having the three—and I have not heard counsel comment on it—that there is a very odd difference between them. To the coroner's officer, who takes his statement in order that the coroner may examine him, he says—“ Staying at No. 16 Regent Road, Blackpool, along with my wife, Alice Smith, aged twenty-five years. At about 4.30 p.m. on Wednesday, 10th December, 1913, I arrived in Blackpool from Portsmouth with my wife, the deceased. Shortly after we arrived my wife complained of a pain in the head. I took her to Dr. Billings, Church Street, who asked her what was the matter with her. She complained of pains in the head and being costive; the doctor gave her some medicine. At about 5 p.m. to-day, Friday, 12th inst., she again complained of pains in the head. I took her out for a walk at about 7.15 p.m., and returned about 7.45 p.m. She then said she felt much better, and thought she would have a bath. About fifteen or twenty minutes after she had gone into the bath I called out to her to mind and turn the lights out after she was finished. I got no answer from her. At the same time Mrs. Crossley came upstairs, thinking I was calling her. We both looked into the bathroom, and found her under the water.” I do not think Mrs. Crossley said that she looked into the bathroom and found the woman under the water. “ I lifted her head up out of the water, and held it until the doctor came. We then lifted her out of the bath. The doctor examined her, and pronounced life extinct.” At the inquest, in a little more detail, he said this—“ I am at present on a visit to Blackpool, staying at No. 16 Regent Road, Blackpool, along with my wife, the deceased Alice Smith, aged twenty-five years. At about 4.30 on Wednesday afternoon, 10th December, 1913, we arrived in Blackpool from Portsmouth. Shortly after we arrived my wife complained of a pain in the head. I took her to Dr. Billing, in Church Street, Blackpool. He ascertained her ailment, and gave her some medicine. At about five o'clock in the afternoon of yesterday, Friday, 12th December, 1913, she again complained of pains in the head. I took her out for a walk. We went out at about 7.15 and returned at 7.45. She then said she felt much better, and that she would have a bath. About a quarter of an hour or twenty minutes afterwards I called out to her to mind and turn the lights out after she had finished. I got no answer, and I kept shouting out Alice. Mrs. Crossley, the landlady, came upstairs, as she thought I was calling her. I opened the door, and found my wife underneath the water. I lifted her head up and

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held it up until the doctor came; then she was lifted out of the bath. The doctor helped me to lift her out. The doctor was there in a few minutes. He examined her and said she was dead. We have only been married six weeks. She was all right in health, but complained of headaches only once or twice whilst travelling. Generally she enjoyed good health and spirits. I never heard her complain of anything else. I have known her about three months. She was a nurse." Then the Foreman of the Jury puts an extraordinarily pertinent question, to which the witness answers—"I cannot tell you what happened in the bath. She complained of headache, and I took her out for a walk, and she said she felt all right. She had already made arrangements for a bath. I went downstairs and talked to the landlady on the front. She was a private nurse. She had an operation last March for peritonitis."

Now, before I read the letter to the relatives, you will bear in mind that Dr. Billing said, "I asked him why he did not lift her out; he said he could not. I asked him why he could not pull the plug; he said he did not think of it." Now, bearing that in mind, let us read the letter to the relatives—"After arriving here, Alice complained of pains in the head, and went to a doctor, who examined her and gave her treatment. Yesterday she again complained to me and the landlady of pains in the head, when she sent you and her sister a postcard. After which I took her for a walk, and she appeared better later on. I find she had made arrangements with the landlady for a bath. About twenty minutes after she had entered the bath I called out to her, and got no answer, and, after acquainting the people in the house that something was wrong in getting no answer, I entered the bathroom and found poor Alice with her head and shoulders under the water. The doctor who had previously attended her was sent for by my request to come at once, which he did." Now, listen to this, gentlemen—"I held her head out of the water and let the water run off away from her; when the doctor came we lifted her out of the bath."

Now, at the inquest, and to the policeman, he had not said anything about letting the water off. To the relatives he says—"I held her head out of the bath and let the water run off away from her. When the doctor came we lifted her out of the bath." Why does he say that to the relatives, who do not know what has happened. He does not say it at the inquest. It may be because he knew the doctor would contradict him; you have heard that the doctor said he had asked him the question. I may say at once, it is a very curious thing this fact of letting the water off both at Blackpool and at Highgate, because at Highgate, if you remember, he asks the landlady, "Shall I let the water off?" Why, in an accidental death, should you ask, "Shall I let the water off," or should you not let the water off, in a bath that has a tap to it? If you are thinking of how to make it look accidental, you may not be

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quite sure what to do about the water; you may want some one else to see it before you take any step. That is entirely for you to consider; it strikes me as very curious; it strikes me as a matter quite worth your consideration—the conduct with regard to the letting off of the water at Blackpool, where the doctor says to him, “Why did not you let the water off?” and he said, “I did not think of it.” And then this writing to the relatives, “I held her head out of the water and let the water run off,” and what I am coming to at Highgate, where he does not let the water off until he has asked some one else whether he should let the water off. You must remember that incident, common to the last two cases, very carefully, and see what view you form of it.

Mr. MARSHALL HALL—My lord, would you mind my pointing out one little matter? I would like your lordship to look at the original of that letter, and to note where the commas and stops come in.

Mr. JUSTICE SCRUTTON—You mean in that sentence, “I held her head out of the water and let the water run off away from her when the doctor came we lifted her out of the bath.” In my copy there is no stop at all.

Mr. MARSHALL HALL—That is why, my lord, I ask that you should look at the original. I suggest that it is possible to read it in another way.

Mr. JUSTICE SCRUTTON [after looking at the original]—You are quite right. Gentlemen, you shall see the original letter, and you will judge for yourselves. Mr. Marshall Hall is quite right, I think, in suggesting that it may possibly be read in this way, “I held her head out of the water and let the water run off away from her when the doctor came. We lifted her out of the bath.” You have seen the original once, but you shall see it again. The way it seems to me it should be read is, “I held her head out of the water, and let the water run off away from her. When the doctor came we lifted her out of the bath.” That is how, I think, it should be read, but you are at liberty to read it in the way Mr. Marshall Hall suggests, “I held her head out of the water and let the water run off away from her when the doctor came. We lifted her out of the bath”—then there is a dash—“he examined her and said, ‘She is dead’”—then another dash. However, gentlemen, you will look at the letter; I will give it to you when we have done, and you will see it for yourselves.

One further thing about that, before one comes to any part of the medical evidence, is this: Mrs. Haynes says that the next day, in cleaning the bath, when the water was let off, she found thick hair at the sloping end of the bath, and some hair round the place where the water runs away. Nothing was said about it at the time. She now remembers it. You must judge whether this is one of the incidents that one does remember afterwards when one knows something has happened, or whether you think that she is accurately



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remembering what she did see, and, if so, what significance you attach to it.

Now, I am not going to repeat to you with regard to that bath the remarks I made about the medical testimony, the evidence of Dr. Spilsbury and Dr. Willcox. It is shortly this, that they do not understand how a woman fainting in that position would get her head and shoulders under water. You had the evidence given to you, and will no doubt have tested it for yourselves with the bath. The doctor said that when he saw her held up, her head was 9½ inches from the head of the bath; that the water went a little above her breasts. You will judge for yourselves, having those figures before you last night, whether you think that theory that she fainted and fell back with her head under water, and was then lifted up by her husband into that position, is or is not a possible one. Mr. Marshall Hall suggested to you another theory, if I understand it—I am not certain that I did, and I am not certain that he developed it fully. If I understand it, it was that, kneeling—I suppose facing the tap—she put her head under to wash her head, and that at some stage of that operation she fainted.

Mr. MARSHALL HALL—No, my lord—that in recovering—

Mr. JUSTICE SCRUTTON—That, in recovering from that operation, she fainted. But I suppose she did not faint until she turned the taps off, otherwise there would have been no doubt about the water appearing in the kitchen; the family would soon have found out that there was something wrong by the appearance of large quantities of water, so I suppose the theory must be that she was kneeling towards the tap—bent down to wash her head—came up again—was sufficiently awake to turn off the tap, then fainted—and I am afraid Mr. Marshall Hall did not sufficiently develop the theory to enable us to find out how she got round with her back to the tap, having previously been facing it. That you must consider as a suggestion put forward by counsel as one which would account for the case.

The remaining matter that you have to consider with regard to that case is the question about the fatty degeneration of the heart. You will remember that Dr. Billing's suggestion before the inquest was that in some way, owing to her heart, she got mazy and fainted, and got under the water. Dr. Billing says that at the post-mortem he found fatty degeneration of the heart. The prosecution suggest that what he found was fat around the heart and around the muscles. It is for you to judge, but I think there is no doubt he meant to suggest that he did find fatty degeneration of the heart in the medical sense, although he said it was at a very early stage, and would not affect the efficiency of the heart. Dr. Willcox says that he does not think that at a post-mortem, without microscopical examination, you could detect fatty degeneration of the heart, meaning fatty degeneration in the muscles as distinct from fat round the muscles. But I think Dr. Billing said he thought he could,

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although he said he did not think it would decrease the efficiency of the heart, as it was at a very early stage of fatty degeneration.

Then comes the inquest at 6.30 on the Saturday following a previous inquest at six, and a verdict that she died from heart failure, causing drowning. The relatives come on Sunday. The prisoner did not expect them. He had originally wanted the funeral on Sunday. When they came he wanted to shift from the public grave, which he had then ordered, to a private grave; he found it would delay the funeral till Tuesday; could not wait, so he orders a public grave for the Monday.

He went off to Southsea. He wrote to the relatives this letter—"This is the greatest and most cruel shock that ever a man could have suffered," and he went straight back to Miss Pegler. He collected the insurance money, and, as he had said in October he would do, upon his birthday in January, he invested £500 in a further annuity, making his annuity then in all £70.

Now, gentlemen, I have told you how you ought to consider that case. You have to consider, have the prosecution satisfied you that Bessie Mundy was killed by the prisoner. Bessie Mundy died under a series of circumstances which the defence say are quite consistent with an accidental death. The prosecution say, you find that series of circumstances repeated in the death of Alice Burnham, and when you get two repetitions of the same set of circumstances—and I shall have to call your attention at the close of my summing up to the coincidence—you are entitled to find that an occurrence of this sort which benefits the prisoner, with these attendant circumstances, is design and not accident. That is the purpose for which you are to consider the evidence with regard to the death of Alice Burnham.

He has gone back to Miss Pegler and stays with her on and off till December, 1914, at Bristol, when he tells her he is going for a run round just before Christmas with another young fellow he had picked up.

At this moment, gentlemen, I will break off because I am now coming to the other case, and we will resume at two o'clock.

[Adjourned for a short time, a bailiff being sworn to take charge of the jury.]

MR. JUSTICE SCRUTTON—Gentlemen of the jury. Before the Court adjourned we had got to that stage in the story when Alice Burnham having died, the prisoner having proved the will, and collected the money from the insurance office, had gone back to Miss Pegler, and remained with her till 14th December, and then told her he was going round before Christmas with a young man, in a formula which you will remember has generally accompanied his absence from Miss Pegler with these other ladies. In December, in some way which has not been proved before you, he became very intimately acquainted with Miss Margaret Elizabeth Loft; she was

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thirty-seven, the daughter of a clergyman; she lived with her mother and two sisters at Bristol. She went out occasionally as companion to ladies at Bristol, and she was a quiet reserved woman, and, according to the evidence of her family, of good health—of a type of hundreds of ladies of that class living in various towns in England. How she met the prisoner we do not know, because her family knew nothing of the impending marriage until it had taken place. Her only property was a savings bank account with £19 in it. The first date is that of 27th November, and alone—nobody accompanying her—she fills up a proposal form for £700 endowment assurance in an insurance company, and she is examined the same day by a doctor in Bristol, who certifies her, having examined her, to be a first-class life. The premium, £24, was paid on 4th December. It was paid in £1 notes, and we know from the account it did not come out of Miss Lofty's account; there is no trace of any withdrawal for that purpose. With regard to this, as with regard to the will, the prisoner said in his statement that he knew nothing about the will or insurance until after the death. The relative, Mr. Kelvington, who came after the death, was shown by the prisoner, from Miss Lofty, a letter in which she spoke of the prisoner as her only friend, and you must judge, gentlemen, as people of common sense, whether a woman who thinks she has found "her only friend" would insure her life within a fortnight of her marriage and make a will in favour of "her only friend" and not say a word about it to "her only friend." The prisoner has not come into the box to tell you he knew nothing about it, and you must judge yourself, as people of common sense, what you think are the probabilities. On 8th December the prisoner came to rooms at Bath, giving the name of Lloyd; on 11th December the policy was handed to Miss Lofty, who came herself for it; on 14th December the prisoner went up to town and engaged rooms at 16 Orchard Road, Highgate, and the lady who let him the rooms has said that this happened: "He wanted a bedroom and sitting room for himself and wife; I showed it him; he asked if there was a bathroom; I showed it him; he looked at it and said, 'It is small, but I daresay it is large enough for some one to lie in.' I said there was no hot water laid on, but he could get some on." Mr. Marshall Hall very properly called your attention to the fact that if he was planning a murder—his suggestion is that a bath where hot water was not laid on would not be a suitable one compared to one where it was laid on. There was no hot water laid on at Herne Bay, or anywhere. The day after Miss Lofty came to the rooms at Bath, and the same day, 15th December, she gave notice for her post office deposit of £19 to be paid to her at the Muswell Hill office, being the office nearest to the rooms which the prisoner had engaged the day before. On 17th December they are married. They go up to town, and they get to 16 Orchard Road, and then there ensues the

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incident of the lady, not liking the prisoner, having given no reference, and on his saying "Money was the best reference," getting the police officer to come and say that the prisoner could not be taken in because he had not a reference. They go searching for lodgings. They get, through some direction or other, to 14 Bismarck Road, and there again exactly a similar conversation takes place to the conversation that had taken place at Blackpool. Mrs. Lloyd, the prisoner being with her, saying, "Have you a bathroom?" and they say "Yes," and, just as two or three days before her death the prisoner had taken Miss Mundy to a doctor, and, just as two days before her death the prisoner had taken Miss Burnham to a doctor, the day before her death Miss Lofty has a headache, and the prisoner takes her to a doctor in Highgate. Dr. Bates' account of what happened is this—"About 8 p.m. a man and woman called, prisoner and the woman I saw afterwards at 14 Bismarck Road. The prisoner said, 'I have brought my wife to see you as she is suffering from a headache; it came on at the Tube station at Highgate.' I asked the wife several questions. I could get no answer at first until I put the question, 'Have you really a headache, as your husband said?' She said 'Yes.' I asked her several questions, but had no answer. I said, 'Have you any other symptoms?' She said 'No.' Her temperature was raised between 100 and 101, and her pulse was about 100 per minute. The headache was located in the frontal region. I gave her a mixture and told her then to let me know if she was not better the next day." Now, gentlemen, there is a suggestion which I think mainly rests on the prisoner's statement to the doctor. The doctor said he had no other evidence that she was then having her menstrual period. I think the only substantive evidence is the statement of the landlady, that some combinations of hers were found with blood on them. There is no other evidence. The doctor says the first he heard of it was from the prisoner. Now, gentlemen, you are men of the world and family. It does seem to me extraordinary that a single lady of thirty-seven should marry at the time of her periods. It seems to me (it is entirely for you to judge) equally extraordinary that she should have a bath—a hot bath at the time of her period. It is entirely a matter for you; it is not a subject very easily discussed in a mixed audience, and I must leave you, with your knowledge of the world and your family relations, to form your own opinion on a subject like that. There is no doubt she had a high temperature when she came to the doctor. The doctor says so, and it is quite clear that she was in some sort of a dazed condition.

Gentlemen, I want to say this to you. I think it is inevitable—it is impossible to have considered this case without the possibility of drugs passing across one's mind; that three women, three days before their death in such curious circumstances, should each have had headaches and then die two days afterwards, in connection with the same man. It is a most extraordinary coincidence, to put it at

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the least. But there is no evidence of drugging. At the post-mortem examination there is no evidence as to the presence, or any suspicion, of drugs by the doctors who saw the bodies. I say to you, and I say again, it is not necessary for you to be clear in your mind as to the exact mode, if you are satisfied that the prisoner killed the woman; and it is a possibility to be considered whether something had been done to each of these three women which caused them to have headaches just before their death, and which made them make no cry in the bath if they were deliberately murdered. As I say, there is no evidence of it; you must consider it as a possibility. Visit to Dr. Bates on the evening of the 17th; next morning, a day full of incident for the woman. In the morning she draws out all the money she had in the world from the savings bank.

In the afternoon, somehow or other, she gets to a strange solicitor at Islington, a mile and a half off, and makes her will in favour of the prisoner; and in the evening she dies. I have said to you you must consider whether a woman who had at last found "her only friend" would have made her will in favour of him without saying a word to him. All the money she has then in her possession. The only further gain to the prisoner commercially can be if she dies, because she is insured, and she has made a will in his favour. The marriage is bigamous; under an assumed name; and he has been living with Miss Pegler till just a fortnight before. That night she asks for a bath—18th December. If this is an accidental death I wonder if the prisoner thought—it was nearly a year before exactly another woman with a will in his favour, and insured, had asked for a bath, and died in the bath—a year before. I wonder whether it occurred to him to dissuade her. He has not told us that. At 7.30 the bath is ready. Nobody sees the dead woman go into the bathroom; some one is heard going upstairs; the people in the house—Miss Blatch—cannot say whether one person or two. Sitting in the kitchen—working in the kitchen—Miss Blatch hears sounds in the bathroom. "I heard some one go upstairs. I heard a sound from the bathroom some few minutes after the person went upstairs; a sound of splashing; a noise of some one putting wet hands around on the side of the bath. This, too, for some time, and then a sigh; the last I heard," the last sound in the bathroom. Gentlemen, there is a great dramatic poem by one of our greatest poets, when, after a tragic murder has been committed, there came a knock at the gate and, remember the poet Coleridge has said, "That is the most dramatic moment in English poetry, when the knocking at the gate comes, in *Macbeth*."\* A little while after the sound in the bath-

\* I do not recall the passage in Coleridge's *Lectures on Shakespeare* the judge has in mind. I suggested to Lord Justice Scrutton that he was, perhaps, thinking of De Quincey's "On the knocking on the gate in *Macbeth*," but he replied that he was under the impression he referred to a passage in Coleridge.

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room, and the sigh, the organ plays in the front sitting room. The prosecution suggests that that is done so that the person who played the organ might show that he was there, and not upstairs—the organ plays for ten minutes. The front door slams. After an interval comes a knock at the door. Miss Blatch goes to the door; the prisoner is there, and says, “I forgot that I had a key.” The prosecution suggests that that again is done to make evidence that the prisoner was out of the house, so that some one may answer the door and see him come in from outside. Just as at Herne Bay, the prisoner went out to get some fish for the breakfast when his wife died; and, just as at Blackpool, he came down for some eggs for the next meal when his wife died; at Highgate he comes in with some tomatoes for the next meal. “I will go and ask her whether she will like them.” You might have thought he would have asked her before he bought them if he did not know whether she liked them. It seems very unlikely to me, but it is a matter entirely for you gentlemen, whether considering Mr. Marshall Hall’s suggestion that she was suffering from influenza in a gastric form, you would buy for a person with gastric influenza upon her, tomatoes; but, that is what he did. He goes upstairs to see whether she would like them. “I will go up and ask her whether she would like them.” He called some message and a few steps up he stopped, and said, “My God, there is no answer.” “He turned to me”—only natural the woman is rather frightened and scared—“I said, ‘Perhaps she has gone to her bedroom.’ He was standing at the top of the stairs, outside the bathroom door. He said, ‘There is no light; she is in the bath; come and help me.’ I said, ‘I cannot come.’ I went for another lodger; I thought he was on the first floor. I did not notice whether the door was open, or where he was. He said, ‘Come and help me.’ He was just inside the bathroom. He said, ‘Shall I let the water off?’” Gentlemen, I have directed your attention to that in the last case. What do you think it is? Is that an accidental death, with the man anxious to know in an accidental death whether he shall let the water off, or is it the man who is preparing the way for an acquittal, not quite certain whether he shall let the water off or not, in face of what had happened before, when the doctor said, “Why did you not let the water off,” and he said, “I did not think of it.” Dr. Bates saw her last night, and Dr. Bates comes. The case here differs from the others. You will see that in it nobody saw the position of the body in the bath when the woman was drowned, except the prisoner, because when Dr. Bates comes the water was run off, and the prisoner, who was not strong enough to lift Miss Mundy out of the bath, and Miss Burnham out of the bath, has lifted Miss Lofty out of the bath, and is sitting there with his arms round her. The doctor cannot give you any evidence as to the position of the body when she was found. There is a post-

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mortem examination, and the woman is evidently a healthy woman. There are three bruises on the left elbow, which is the side towards the room. In this case, as in the Blackpool case, the woman has been having a bath in a strange house, with the door unfastened, and in this case, although there is a water closet in the bathroom, so that the people not wanting a bath might come to the room for other purposes, she has a bath. Mr. Marshall Hall very properly suggests to you it might have happened to all of us, "Have you never been in a bathroom and thought you had bolted the door, and have not done it?" Once, yes, but twice, and on each occasion when the woman died—is that what you think is a natural coincidence, or is it one of the most extraordinary coincidences if the event is accidental, that ever happened. Twice in a strange house a woman has a bath, not late at night, but six, seven, or eight o'clock, and the door is not fastened, so that people can get in, and she dies. He writes no letter to the relatives in this case, so there is not one that I can read to you. He tells the coroner's officer that the woman is not insured. I have made the comment, and I do not repeat it. But, on 19th December, he is depositing a small parcel with the bank. You saw the parcel the bank manager made up to represent the sort of parcel it was. The suggestion of the prosecution is that that parcel contained the insurance policy and the will, and he did not want those documents to be discovered among the papers. He does not go into the box to tell you what that parcel was, or to say he knew nothing about the will or insurance. Some time before Christmas—just as he had done at Christmas, 1913, so at Christmas, 1914, he goes back to his only wife, Miss Pegler. He is proceeding to prove the will. He is proceeding to realise the policy; the policy is not being paid, and he is arrested at the end of January. And then, admitting that he is Lloyd, who married Miss Lofty, he at first denies that he is Smith, who married Miss Burnham, and on being told that witnesses are coming from Aylesbury to prove it—Aylesbury being the place near which Miss Burnham lived, he says, "Yes, I am the Smith who married Miss Burnham"; he denies he is the Williams who married Miss Mundy; he denies he is the Lloyd who married Miss Lofty.

Now, gentlemen, I have gone through in detail the facts which probably, with the care you have followed this case, you are familiar with. I have put them in chronological order with the material documents. The prosecution ask you on that evidence to say that they have satisfied you with reasonable certainty that the prisoner murdered Miss Mundy. They say, "If you have a doubt in the case of Miss Mundy alone—if you think there is a possibility of accidental death—they invite you, for the purpose of saying whether Miss Mundy's death was designed or accidental, to consider the case of the two other deaths, and to ask yourselves the question

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whether such a series of coincidences, as Mr. Bodkin has twice pointed out to you, can be accidental, or whether they point to design on the part of the man who benefitted by each death. Now, Mr. Bodkin dealt with these coincidences in his own way. I will put them in rather a different way. Probably some others may have occurred to you; some of them may not have occurred to you so forcibly as others. Listen to them as they strike me. *Firstly*, in each case there is a death in a bath, and in each case the prisoner had moved to that bathroom, or fitted it up a week before the death. *Second*, in each case the bathroom in which the death takes place was an unlocked bedroom, so that the prisoner can get into it, although in two cases it is in a strange house, and in one place there is a water-closet in the bathroom to which other lodgers might come in. *Thirdly*, in each case the deceased woman made her will in favour of the prisoner a week before her death; five days at Herne Bay; four days at Blackpool, the same day at Highgate. *Fourthly*, in two of the cases the deceased woman insured her life by a policy within ten days before her death; eight days at Blackpool; seven days at Highgate; and, in the third case, there was no policy of insurance, because there was a considerable property which would pass on death. *Fifth*, in each case all debts due to the deceased, and all savings, bank accounts, had been realised just before the death. *Sixthly*, in each case two or three days before the death the deceased is taken to a strange doctor, in a strange place, where she is not known, complaining of headache, and that doctor is called in after the death. *Seventh*, in each case a letter is written to her relatives a day before the death. *Eighth*, in each case the prisoner has gone out to buy food for future consumption, when the woman is found drowned; fish at Herne Bay; eggs at Blackpool; tomatoes at Highgate. *Ninth*, in each case the prisoner found her; leaves her in the water till some one has seen her; does not get rid of the water without permission. *Tenth*, in each case it was a sham marriage. *Eleventh*, in each case he benefits more by the death than by the life. *Twelfth*, in each case he buries her as quickly, and as cheaply, and as obscurely as possible, and, *lastly*, in each case he immediately goes back to Miss Pegler; in two cases changing his name and hiding his tracks under banking accounts.\*

Now, gentlemen, it is for you to say, not me, whether that set of coincidences in three cases can be the result of accident, or whether, giving the best consideration you can to the coincidences in three cases, using them in the way I have explained to you, those coincidences point you to a designed death, and not to an accidental one.

Now, there is another matter you may take into account—I have said so once, and I want to say it again. Until some twenty years

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\* And a death on a Friday night or Saturday morning, with a view to the holding of an inquest on the Saturday, before relatives could arrive.—E. R. W.



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ago the prisoner could not have told you his story; his mouth was closed. And when that state of things existed, and when you were condemning to death a man whose mouth was closed, and who could not speak, the judges, and the law, and the jury naturally made every presumption in favour of the man whose mouth was shut, and required the case against him to be proved to the hilt, because he could not speak. Some twenty years ago an Act was passed which enabled a prisoner to go and tell the jury his own story when he was in danger of his life. There was such fear that this startling innovation, as it was supposed to be, might work injustices, that the counsel for the prosecution was forbidden to comment to the jury on the fact that the prisoner had not gone into the box, but the liberty was given to the judge, if he should think right to point out to the jury that that prisoner had not gone into the box, and to leave to their consideration whether they could draw any inference from it against him. Now, in this case much of the matter is solely within the knowledge of the prisoner. There is no evidence that he actually was in the bathroom on the occasion of each death; there was an opportunity for him to be in the bathroom on the occasion of each death; the assurances, and the will, and several other matters of that sort are within his knowledge, and he is charged with a very wicked and cold-blooded murder or murders. You must consider whether you would expect an innocent man to take the earliest opportunity of going into the box and saying, "It is quite true that before a jury who only know of one case I have already given evidence, but this jury knows of all three, and this jury has heard of all the pecuniary arrangements, and as soon as I can get the opportunity I will go on oath before them and endeavour to clear myself and answer any questions made by counsel." You will consider whether you would expect an innocent man would take that course. The prisoner has not done it. You must consider what inference you draw from that. There have been, as you follow, three inquests; at each of them the prisoner has given evidence; at each of them it was possible for him to be cross-examined, and he was asked questions. All three juries found accidental death; none of them knew the pecuniary benefit to the prisoner; none of them had put before them any physical difficulties of the bath, such as you have seen; no jury knew of more than one death. This is the first time that the prisoner could before a jury who knows of all the matters state on oath his innocence and expose himself to the natural questions that would be asked him about points of difficulty in this story. He has not done it. You may take it into account. But when one has done all that the question remains exactly the same, and it is the question I put to you at the start; he sits there presumed to be innocent; have the prosecution proved you that he is guilty? His counsel says to you, considering that you must doubt in every case whether it was not accidental, and particularly in the case which you are now trying; did he murder



**G. J. Smith.**

From an official photograph taken in Brixton Prison

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Bessie Mundy; you must have a doubt whether it was accidental; it is for the prosecution to satisfy you that it was a designed death. If at the end of it, considering all the evidence, considering the coincidences, you yet are doubtful whether it is not accidental, it is your duty to acquit the prisoner. He is entitled to the benefit of the doubt—to the verdict equivalent of not proven, to which Mr. Marshall Hall specifically referred. He puts his defence no higher than that. But if, when you have considered the whole matter of coincidences, you have that reasonable certainty that a jury should have in a matter of life or death, then it is your duty to the State, which has put you there, to find the prisoner guilty. Now, gentlemen, will you consider your verdict.

Gentlemen of the jury, I give you the table of dates, and I give you the letters. If, when you are talking over the matter, you find you want a particular exhibit, and you will send me a message that you want it, I will have it sent to you.

Mr. BODKIN—There is a point about the month of December; would one be reasonably expected to have a hot or a cold bath?

Mr. JUSTICE SCRUTTON—Mr. Bodkin wants me to point out to you gentlemen with regard to the bath at Highgate, that there was no hot water laid on, although it could be fetched, and it would be more natural to have a hot bath than a cold bath in December. I make that remark at Mr. Bodkin's request. I presume he has some reason for asking me to make it.

[The jury retired at 2.48, returning into Court at 3.10, a bailiff being sworn in to take charge of them.]

The CLERK OF COURT—Gentlemen of the jury, have you agreed upon your verdict, and do you find George Joseph Smith guilty or not guilty of the wilful murder of Bessie Annie Constance Mundy?

The FOREMAN OF THE JURY—Guilty.

The CLERK OF COURT—You say that he is guilty, and that is the verdict of you all?

The FOREMAN—Yes.

The CLERK OF COURT—George Joseph Smith, you stand convicted of wilful murder. Have you anything to say for yourself why the Court should not give you judgment according to law?

The PRISONER—I can only say I am not guilty.

## Sentence.

Mr. JUSTICE SCRUTTON—George Joseph Smith, the jury, after a careful and patient hearing, have found you guilty of the murder of Elizabeth Annie Constance Mundy. In doing so they must have taken an unfavourable view of your relations to Alice Burnham and to Margaret Loffy, and they have found you guilty of a cold-blooded and

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heartless murder. In that verdict I entirely concur. Judges sometimes use this occasion to warn the public against the repetition of such crimes; they sometimes use such occasions to exhort the prisoner to repentance. I propose to take neither of those courses. I do not believe there is another man in England who needs to be warned against the commission of such a crime, and I think that exhortation to repentance would be wasted on you. The sentence of the Court upon you is that you be hanged by the neck until you be dead, and that it is further ordered that judgment be carried into execution in His Majesty's prison at Maidstone, and that your body be afterwards buried within the precincts in which you shall have been last confined after conviction, and that you stand committed to the custody of the Sheriff of Kent, who is charged with the execution of this judgment, and may the Lord have mercy on your soul.

Gentlemen of the jury, I thank you for the great attention you have paid to this case. As I have said, I thoroughly concur in your verdict. It may interest you to know, and it may show the fairness of an English trial, that there was evidence before the magistrates which has not been given before you, that three months before the death of Margaret Lofty the prisoner went through another ceremony of marriage with another woman, and robbed her of £140 within ten days; and that there is reason to believe that he went through another ceremony of marriage with another woman, whom he also robbed of a large sum of money. The fairness of the English law has not put those facts before you on the trial, and it may help to satisfy you that your verdict is the right one. You have been detained here some nine days now, and the only recompense I can make to you is to exempt you from further jury service for a period of ten years.

Gentlemen, I can discharge you with the thanks of your country for your service. There is one thing I want to refer to in the course of this trial. I think that this conviction, a thoroughly right one, in my opinion, is largely due to the care and assiduity with which Inspector Neil has pursued the threads of this complicated case, and I have pleasure in saying so in public.

The JURY—Hear, hear.

The PRISONER (to Mr. Marshall Hall)—I thank you, Mr. Marshall Hall, for what you have done for me. I have great confidence—great confidence—in you. I shall bear up.

## APPENDIX I.

### STATEMENTS IN CASES NOT PROCEEDED WITH.

F. J. says—In June, 1908, I was residing at W. Road, W. I was then a widow. One day in June, 1908, I was with a friend, Mrs. C., on the front at Brighton sitting on a seat when a man, who afterwards said his name was George Joseph Smith, came and sat on the seat beside us. He spoke to us and remarked about the weather, and from that we got into conversation. He said that he was a man of means, and gave us his name. He saw us off from Brighton that evening by train, and made arrangements to come over to W. to see me next day. I was then in business at an art needlework shop at W. In the course of the conversation I told him that I was a widow. He came to W. the following morning and met me at the Town Hall. He wanted to stay at W., and I introduced him to my landlady, Mrs. C., who was also a widow, with the result that he came to stay there. We became friendly, and finally he proposed to marry me. I accepted the offer, and gave up my business appointment. In the course of some conversation with me he asked me if I was insured, and, although I was, I told him I was not. He asked what amount of money I had, and all about myself. He insisted on seeing my bank book, and I showed it to him. The amount was £33 13s. He gave me to understand that he was a man of means, and showed me a bank book with the name George Joseph Smith, but I did not see what amount there was in the book. One day whilst at W. I asked him what he was by profession. He said he had been a carpenter, and was a dealer in antiques. We remained at W. for about three weeks, and then he proposed that we should go to London for the purpose of getting married. We went to C., where we remained about three days. He took the rooms for a week and paid the rent. Before leaving W. I had given notice to the postal authorities for the withdrawal of £30 from my banking account, and asked them to send my book through a friend of mine, Mrs. M. Smith suggested that I should draw the money out of the post office, and we should start a business of buying and selling antiques. We visited Mrs. M. twice, and had supper with her. I introduced him as my future husband, but she did not seem to approve of him, and disliked his manner. On the morning of 3rd July, 1908, we went to the Camden Town post office, having previously got my book, and there drew from my account £30, leaving £3 13s. in the bank. He had asked me to draw it all out and close the account. I did not do this. Before I went to the post office Smith said to me, "I had better take care of the money for you. You have not got a pocket." He knew I had no pocket. The money consisted of £20 of gold, and two £5 notes. He picked it all up and placed it in his pocket. We left the post office, and when outside he said, "Come along, dear, we will go to the Franco-British Exhibition." We went to the Exhibition, and after we had been in there about five minutes he left me sitting on a seat, saying that he was going to get a paper, and would be back in a few minutes. He

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went away, as I thought, to get a paper, and I have not seen him since. I waited about half an hour, and as he did not return to me I spoke to a police constable. I afterwards went with a detective to C., and found that Smith had been back there, taken his box, and left a note to me saying he would forward my box to me. I then went to Victoria Station cloakroom, where I had left my box and personal belongings, and found that Smith had been there previously and fetched them away, together with his bicycle. He had the cloakroom ticket. The total value of my property, together with the money which Smith took, amounted to about £80 or £90. I was unable to trace Smith after he had left the cloakroom at the station, but I remained in London for the remainder of the week and stayed at my brother's. I then returned to W. and went back to business. During my acquaintance with Smith I noticed that he had a large scar on his left arm. I told the police officer of this when I supplied him with a description of him.

(Signed) F. J.

[Statement taken by Detective-Inspector Neil, Y Division.]

S. A. F. says—I reside at S., and am a clerk. In June, 1909, I met a man named George Rose. He came to the office where I was employed, and we got into conversation, with the result that I finally went for a walk with him. He told me he travelled the country buying antiques. I did not see him again for some time, and, as far as I recollect, he came to the office again some time at the beginning of October. We then continued our friendship, and I went for walks with him, and he used to call at my lodgings. This continued for some time, about a fortnight, when he asked me to marry him. At first I refused, but I finally gave in and promised him I would marry him. He told me he would follow me up until I did marry him. He told me he had an aunt in London, and this was the only relative he had. He said he had money in the bank, but I never saw any evidence of it. We arranged to get married on the 29th October, at the Southampton Registry Office. We went to the office together, and he gave notice of marriage, and arranged to get married by special licence. On the 29th October he came to my lodgings and fetched me. We were met at the registry office by a friend, a Mr. T., and a lady friend, a Miss B., was at the house and came with us. We were duly married and went to my lodgings and got my belongings. He had only got a bag and a bicycle with him, and he said his other luggage had gone on. We left Southampton by the 11.15 a.m. train, and went to Clapham Junction *via* Waterloo. We put our belongings in the cloakroom and went to find lodgings. Rose knew I had £50 in cash before I married him, but nothing else. We got lodgings at Clapham, and when there I told him I had other money, as he saw my bank book when I was unpacking. About the second day he suggested I should draw my money out in order that he could open a business as an antique dealer, as he had not sufficient money for the purpose. In consequence of this I sent in a withdrawal order to clear my account. I think it was £250, and another notice to sell some Government stock I had, about £30 worth. We went about London a bit until the withdrawal warrant came. I think it came on the Tuesday or Wednesday. The notice duly came, and we went to Lavender Hill post office and drew the money. It was paid out, and he asked for gold; but the girl paid it out in notes and gold, and he (Rose) picked it all up. I asked him for some of it, but he would not give me any. He had pre-

## Appendix I.

viously asked me for the £50, and I had given it him. On Friday, 5th November, the notice came for the payment of £30 for the stock, and the same morning we again went to the post office and drew out the money. He picked this up also. He told me he had taken a shop and wanted the money to pay for it. When we had left the post office we went to the National Gallery, and while there he asked me to excuse him, and asked me to sit down. I did so, and never saw him again. I waited an hour, and then went and made some enquiry, but could not find him. I therefore went back to the lodgings. On looking into my bag I found all my money, with the exception of a few pence, had gone, so I could not take a taxi as I intended. When I got back I found he had been in half an hour previously and had taken the whole of my belongings, which we had fetched away from the cloakroom when we got the lodgings. The only thing he had left in the cloakroom was his cycle. I went to the police station at Lavender Hill, and inquiry was made, but Rose could not be traced. When I got to my lodgings I found the attached letter on the dressing table, and on the same night a registered letter was delivered from him. He left me in the National Gallery about 11 a.m., and the letter was post-marked Battersea, 12.15 p.m., 5th November. I got the letter the following morning. I went to stay with a friend. Rose left me penniless, with the exception of a few coppers, and I had to borrow to pay the lodgings. In addition to the money mentioned, he took a quantity of jewellery and all my belongings. All that was left was three empty boxes. The cash he took was about £350, and my other belongings were £50, £400 in all. I have seen George Joseph Smith, and he is identical with George Rose, and he is the man I married as stated. I have not my marriage certificate, as he took it away with him.

(Signed) S. A. F.

[Taken by Inspector Cole and Police-Sergeant Page, at Bow Street, 29/4/15.]

ALICE REAVIL says—I am a domestic servant at present residing at 39 Plumstead Common Road. In September, 1914, I was staying at the Royal Oak Hotel, Kinson, near Bournemouth, on a holiday. On the 7th or 8th September I was in the gardens on the front, sitting on a seat, when a man came and spoke to me. He said "Good morning," and passed some remark about the weather. This would be about 12 noon and 1 p.m. We had some conversation, in which he said he admired my figure. After about an hour's conversation, in which he informed me that he was an artist, and had £2 a week from some land in Canada, we made an appointment for 6 p.m. the same evening. I met him as arranged on the pier front, outside the pier, at 6 p.m. He did not say where he was staying, and I never knew. When I met him we walked, but nothing occurred except general conversation, and I left him about 9 p.m., with an appointment to meet him again next day at 6 p.m. I met him as arranged, and he then told me his name was Charles Oliver James. He said he had been to Canada, and his agents sent him his money. He also said he understood I had some money. I met him every evening, and I returned to Woolwich, and on the 14th or 15th September I remember he spoke of money matters, and after the third or fourth day of our acquaintance he asked me to marry him. I consented, and he said he would put his money with mine and would open an antique shop somewhere in London, probably Crystal Palace way. He asked me how much money I had, and I said I had some £70 odd, and some furniture, including a piano. He asked me to sell them,

## George Joseph Smith.

and I decided to. Upon leaving Bournemouth I arranged to meet him the day after my return at the General Post Office, Woolwich, and he would go to Woolwich the day after I did. Upon my return I went to my address, and the following day I met him as arranged at 6 p.m. He told me he had found lodgings at 30 Hanover Road, Plumstead Common. We walked about until 9 and 10 p.m., talking about our arrangements for the future. He told me he would go to the registry office at Woolwich and give notice of the marriage for the 17th September. I met him each evening till the 17th, when I waited in the street where he lived in order to arrive at the registry office at 10 a.m. He came out of his house, and we went to the registry office and were married by special licence. The witnesses were from the registry office. In the meantime I had sold my belongings, which consisted of a piano, pictures, &c., and they realised £14. After we were married we left Woolwich for Waterloo, and then went on to Clapham, to 8 Hafer Road, Battersea Rise, where he had taken two furnished rooms. We arrived about dinner time. On the way he showed me a lot of bank notes, and he asked me for my £14 to put in the bank with his. When we got to our lodgings we had something to eat, and he then produced a post office withdrawal for me to fill up, to draw all my money in the bank. I filled it up, and it was with interest to close the account. We went out to post it. He had it in his possession and put it in the box. I signed the withdrawal form in my maiden name, and he gave instructions to the landlady to take it in. We used to go about together; about three days later the warrant of withdrawal came, and he took it in. This was on Saturday, the 19th September, 1914. He kept the warrant. All my clothing was at this address and was kept in four boxes. On Monday morning the 21st September, we went to the post office, Lavender Hill, to obtain the money. He went into the office with me, and after I had signed it he went with me to the counter. He carried the warrant. He told me to ask for all £1 notes, and I did so, but they could not give them, so they gave me four £10 notes, two £5 notes, and the remainder in £1 notes and cash. In all I received £76 6s. and some coppers. He picked up the notes, and I the cash, the odd six shillings. I never saw the notes again. After leaving the post office we went for a walk and then returned to dinner. The same evening we packed all our belongings with the intention of getting another house. He then went out to get a man to take the luggage to Clapham Station, and later a man arrived with a barrow who took it away, as I thought, to the station. He went too, but I remained in the house. He came back in about half an hour and we went for a walk. Upon our return he told the landlady we should go away the next day, and he paid the bill; I think ten shillings. I had bought all the food we had had. On the 22nd September, 1914, we left the house for the purpose of looking for another house. We got on a tram car, and on the way he spoke of Halifax, Nova Scotia, and asked me if I would like to go there. He took penny fares, and got off the car at some gardens. We walked through the gardens, and on getting to the other end he said he was going to the lavatory, a short distance away, and asked me to wait about. I did so, and waited about an hour. He did not return, so I returned to 8 Hafer Road and found the attached telegram for me. I remained as requested, and some hours later I received the attached letter, registered, posted at Battersea. I stayed at Hafer Road the same night, and returned to 39 Plumstead Common Road the next day. None of my boxes arrived, and I have not seen them since. On the 22nd February,



## Appendix I.

1915, at the request of the police, I attended Bow Street and identified the man known as George Smith as my husband. I had seen the case reported in the papers, and on the 15th February, on my own initiative, I went to Bow Street and there saw the prisoner before the magistrates, and recognised him. I did not say anything to the police, but communicated with Inspector Neil by letter. I communicated with the post office, and obtained the numbers of the notes paid on the warrant. When I married the prisoner he was clean shaven. I value my clothing, jewellery, &c., at about £50. The result of my meeting the prisoner was that I was left with only a few shillings and the clothes I was actually wearing. What he had taken consisted of the whole of my life savings.

(Signed) ALICE REAVIL.

[Taken by Inspector Cole and Sergeant Page, C.I.D., 22/2/15.]

ALICE REAVIL further says—On 6th March I went to Camden Town Police Station, where Inspector Cole showed me a black trunk which I identified as my property. The initials A. R. on the top have been painted out. I was shown the contents of the trunk, and identified the property mentioned on the list shown me as mine. I also identified a Gladstone bag as my property. The initials A. R. are still on it. On the 13th March I went to Clapham and found I got off the car with the prisoner at Brockwell Park, Herne Hill Station, walked through Brockwell Park to Rosendale Road and the junction of Turney Road and Dalkeith Road, where there is an open place. It was here Smith left me.

(Signed) ALICE REAVIL.

[Taken by Sergeant Page, 13/3/15.]

## APPENDIX II.

### EXTRACTS FROM STATEMENTS BY MRS. CAROLINE BEATRICE LOVE *née* THORNHILL.

On 5th November, 1900, I was in Oxford Street when I saw the prisoner looking in the window of a shop. I called to a policeman and I gave him into custody. He was taken to Vine Street Police Station. He abused me very much, and said he would punch my head off if he could only get at me. He accused me of being an immoral woman, and was very violent and tried to get away from the police to get at me. I and my mother went to Hastings, and my mother gave evidence against him, and he was sentenced to two years' imprisonment. This was on the 9th January, 1901.

Whilst we were living together and were on good terms, he told me something of his past history. He said he had a stepfather whose name was Smith. He said he had a good mother, but he had broken her heart. He told me he was sent to a reformatory school when nine years of age, and remained until he was sixteen. . . . During the time I knew him I never knew him do any work.

(Signed) CAROLINE BEATRICE LOVE.

[From statement taken by Inspector Cole, at Liverpool, 30/3/15.]

# George Joseph Smith.

FURTHER STATEMENT, DATED 11TH OCTOBER, 1899.

I am making a statement of what my husband did before he married me. His description is—Complexion fair, hair brown, ginger moustache, peak chin, on left arm a very large scar, military walk, stands 5 feet 9. When a boy living at Lambeth he was sent to a school at Gravesend at the age of nine until the age of sixteen. When he left the school he came home to live with his mother, and then he started thieving what he could until he was eighteen. During that time he went to a place to lodge, and took from there £7. He was caught, and got fourteen days. After that he took some money from his aunt and a bicycle from where he was working, and got six months. At eighteen years of age he joined the Northampton Regiment. He was there three years, and got his discharge from there for bad conduct. He got his living in the best way he could until he met a woman, and got her to live with him. Then he worked round her to do the same for him as I did. Three years ago she was living in a place in Eaton Square, Chelsea. He gave her a personal character to get it with. She took a lot of things from there, and he was pledging a watch in the Strand and got caught, and was taken to Bow Street, and from there to Chelsea, and got twelve months. He did it at Wormwood Scrubs. I do not know exactly what name it was in. I think it was Wilson. When he came out the woman would not have anything more to do with him. He did the best he could for a time until she got fourteen days for taking some clothes where she worked. When she had done this he waited for her and got her to go with him again, and she started to do the same thing again for him. In September, 1897, he gave her a personal character to get a place. She went and was there about two days, and she came back with a cash box with £115. When he got it he left her the same day. That night he stayed in London and then went on to Leicester and opened a shop in Russell Square, where I met him.

(Signed) CAROLINE BEATRICE LOVE, *alias* MARY STONE.

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## APPENDIX III.

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### STATEMENTS BY EDITH PEGLER.

EDITH MABEL PEGLER says—About the middle of August, 1914, we went to Bournemouth and stayed at apartments at Ashley Road, and while there my husband was out in the evenings. About the middle of September, 1914, my husband said he was going to London for a few days. He went away, and about a week after I received a postcard saying he hoped to see me in a few days. He did not come, but a week later I received a letter from him asking me to go to Weston-super-Mare to an address he gave. I went, and he told me he had been to a sale in London and had bought some ladies' clothing. He had some left, and gave it to me. It was kept in the black trunk, which I had not seen before. . . .

The ladies' clothing taken away by the police was brought to Weston-super-Mare by Smith. It does not belong to me. . . .

I have never known him inquire at any of the apartments we have been to for a bath, as he has remarked to me on more than one occasion he did

## Appendix III.

not believe in using baths in houses which other people had access to. I remember once at Weston-super-Mare he had a bath; but all the time I have known him it is the only time I have known him to have a bath in a bathroom, to my knowledge. During the whole of the times he has left me he has never given me any address to write to, and I have been unable to communicate with him. (Signed) EDITH MABEL PEGLER.

[Taken by Inspector-Detective Cole and Sergeant Page, 22/3/15.]

EDITH MABEL PEGLER further says—When I met him at Margate (August, 1912) I told him I had tried to find him at Woolwich and Ramsgate, and he was very angry about it, and said he should never tell me his business again. He said I should not do such a thing again or interfere with his business, because he did not believe in women knowing his business.

When he was away on the occasion he said he was going to Spain, the £6 he sent me was all I had for thirteen weeks. When he was away in 1912 for five months, all I had was two separate pounds from him; but I sold up a shop for about £5.

Before he went away he remarked to me that if I interfered with his business I should never have another happy day, as the world was wide, and he would forfeit it all. This was because I had spoken about his annuity. Just after Christmas, 1914, we were living in apartments at 10 Kennington Avenue, Bristol, and I said I was going to have a bath. He said—"In that bath there (referring to the bathroom)? I should advise you to be careful of those things, as it is known that women have often lost their lives through weak hearts and fainting in the bath."

(Signed) EDITH MABEL PEGLER.

[Taken by Inspector Cole and Police-Sergeant Page, 20/4/15.]

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## APPENDIX IV.

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### STATEMENTS AND LETTERS IN THE CASE OF MARGARET ELIZABETH LOFTY.

EMILY MARION LOFTY says—I reside at 19 Woodstock Avenue, Bristol, and am at present out of employment. My father died in 1892. He was a clerk in holy orders. My mother is eighty years of age. I am the youngest of the family. There were four girls and one boy. The deceased, whose full name is Margaret Elizabeth Loftly, was thirty-eight years of age in October, 1914. My sister, for the greater part of her life, lived at home, but on occasions she would be away acting as lady's companion, but always in Bristol.

I know my sister had pleurisy when she was about fourteen years of age, and she has never been really strong and robust. When I last saw her she was in her usual health. She was always very reticent with regard to her private affairs, but I know that about twelve months ago she was engaged to be married, and notice of the marriage had been given, when it was discovered that the man was already married. This seemed to worry my sister a good deal, and she spoke to me about it. As far as I know,

## George Joseph Smith.

this was the only love affair she ever had. She made no mention of the man Lloyd, and she did not say she was engaged to any one, and I was not in the least aware that she was acquainted with any man. On Monday, 21st December, 1914, I went home in consequence of a communication I had received from my sister Ethel, and was then shown the two letters undated, and a copy of a letter dated 17th December, 1914. Now, looking at all three letters, in my opinion, they are in the handwriting of my sister, the deceased, with the possible exception of the word "Bismarck" in the letter dated 17th December. I have seen at Camden Town Police Station a costume and other articles which I recognise as being the property of my sister.

[Taken by Inspector Cole, 4/2/15.]

ETHEL SUSAN WINIFRED LOFTY says—I am usually called Elsie. Margaret Lofly was my sister . . . On Tuesday, 15th December, 1914, she went out, saying she was going out to tea. She took nothing with her, and we expected her back. That evening, about 7 p.m., I received an express letter, which I opened. It contained a note for me and one for my mother, saying she was going to a situation. This came as a surprise, as it was the first that we had heard. On Friday, 18th December, 1914, a registered letter was received by the last post, after 9 p.m., which is dated 17th December, and headed 14 Bismarck Road. The letters are in my sister's handwriting, with the exception of 14 Bismarck Road in the registered letter. I know my sister had an affair with another man some twelve months ago, but although marriage was contemplated, nothing came of it, owing to the fact that it was discovered he was a married man. The prisoner is not that man. We have received no communications from the man, and he gave us no information of my sister's death.

(Signed) ETHEL LOFTY.

[Taken at Bristol by Inspector Cole and Police Sergeant Page, 23/2/15.]

MARIAN BECKETT says—I am a widow, and reside with my sons, who carry on an undertakers' business at 1 Highgate Hill. On the evening of Sunday, 20th December, 1914, I was at home when a man came into the shop. He said—"My name is Lloyd. I suppose it is possible for my wife to be buried on Monday if the inquest is finished to-morrow." I looked at the file of orders, and saw that the woman Lloyd had died on the 18th December. I said, "No, it is not possible. He said, "Why?" I said "We have to give the cemetery people forty-eight hours' notice." He then said, "I think this sort of thing is best got over quickly." I did not reply to this for a minute, as I was surprised at the remark. I afterwards said to him, "Wait and I will ring up Mr. Beckett." I did so, and I told Mr. Lloyd that Mr. Beckett said it could not be done. He then turned to go, and as he was picking up his hat from a chair he said, "Some men would sit down and cry about it. What is the use of doing that?" I said, "No use, but we cannot all feel alike." He then went out. He did not appear to be very upset about his wife's death, and seemed dissatisfied that she could not be buried the next day. To me he appeared to be very callous about the whole matter.

(Signed) MARIAN BECKETT.

[Taken by Inspector Reid, 16/3/15.]

## Appendix IV.

COPY OF REGISTERED LETTER from Mrs. Lloyd (Miss Lofty) to her sister and mother.

Registered and postmarked Upper Holloway, 17th December, 1914.

14 Bismarck Road, Archway Road,  
Highgate, 17th December, 1914.

My dear Elsie and Mother,

No doubt you will be surprised to know that I was married to-day to a gentleman named John Lloyd. He is a thorough Christian man whom I have known since June. I met him at Bath. He was then going to Canada, and returning to England in September. While he was away we kept up correspondence, and found from the tone of our letters that our tastes and temperaments were exactly in harmony, and, as I have always been one to keep my personal affairs to myself, I said not a word to any one of you about the matter, so I directed my intended husband to address his letters to me care of the General Post Office. Besides, it was safer to do so, because we might have removed from our house to another, so surely you will not blame me for doing so. It is only natural I should do anything to secure the one I love, and I have every proof of his love for me. He has been *honourable* and kept his *word* to me in everything. He is such a nice man, and am certain you would have liked him. That is why I regret not bringing him to see you. I hope you will forgive me for not doing so. My only fault was that I wanted to carry out my plan in my own way. After all, I have only done what thousands have done. I will tell my husband all about my relations later on, and no doubt we will pay you all a visit. I am perfectly happy. I hope mother is quite well, and yourself, and things are now working smoothly with the new maid. Will you be kind enough to strap my box and forward same as early as possible to the above address, as there are several articles in it I require at the present time?

With love to you both,

Yours affectionately,

PEGGY LLOYD.

COPY OF A LETTER WRITTEN BY THE DECEASED, Mrs. Lloyd, to her sister, enclosing one for her mother. Postmarked Bristol, 2.15 p.m., 15th December, 1914.

Bristol Station.

Dear Elsie,

I am off to the station, and meet my lady here. We go, I believe, to London for a day or two. I am looking after her while her daughter is on holiday. It is only for a short time, I believe. Hope to see you soon. Will write full particulars as soon as ever I can. Do not worry. I am well and happy. Sorry not to have been able to tell you before, but it was arranged so quickly, had barely any time.

Your affectionate sister,

PEGGY.

# George Joseph Smith.

[ENCLOSURE.

My Dearest Mother,

I have got a situation for a few days to look after a lady while her daughter is away. They are friends of Rachel's. Am well and happy. Don't worry about me. Will let you know more in a day or two. Am to meet them at station. Shall hope to see you again soon. Love to you both.

PEGGY.

Sorry not to have been able to tell you about it before, but it was all arranged so quickly that had no time for anything.

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## APPENDIX V.

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### LETTERS IN THE CASE OF ALICE BURNHAM.

From Mrs. ALICE SMITH (Miss Burnham) to her father.

80 Kimberley Road,  
East Southsea, 22nd November, 1913.

Dear Dad,

I wrote to you a fortnight ago requesting you to forward on to me at the above address the £100 and interest as per promissory note. My husband has written twice since on my behalf, giving you up to 22nd inst. for the remittance of same. I am sorry that you have treated me thus, and not complied with my request. It is a pity that the only path left open to me is to go with my husband to see a solicitor and make a claim on my father, but before doing so I will wait till the first post, Tuesday, 25th inst. I regret to say that this is the last application I can make before going to law. I am very sorry you should have treated my husband and myself in the way you have, and I cannot account for such unjust treatment, and it hurts. I hope you and mother are well, dad.

From your daughter,

ALICE.

POSTCARD from Mrs. Alice Smith to her father.

80 Kimberley Road,  
East Southsea, 24th November, 1913.

Sir,

I have this morning instructed my solicitor to take extreme measures in order to obtain the money you have in your possession.

Yours,

ALICE SMITH.

LETTER from George Smith to Mr. Charles Burnham.

80 Kimberley Road,  
East Southsea, 11/11/13.

Sir,

The views and actions which you have been pleased to take towards our marriage are both inconsistent and contemptible. You

## Appendix V.

absolutely appear to be quite out of touch with the methods and principals by which everyday life is handled. Moreover, having failed in your cruel attempt to wreck all possibilities of marriage, you take shelter in obduracy, contempt, and remorse. What earthly right have you to scorn your daughter in these ways? Is the record of your family so full of virtue that you dispise and grudge your daughter's bright prospects? I am not going to waste my time in going to enlighten you on things you are quite old enough to know and understand, but at least I remind you that by causing friction broadcast as you have is the greatest mistake in your lifetime. It is mentioned in the letter Alice received on the 11th inst. that, as I have an income, the £100 and interest should stand over. A more foolish and elegal action I have never heard of. The money is payable on demand, failing which I will take the matter up myself without further delay.

G. SMITH.

LETTER from Smith to Mr. Burnham.

80 Kimberley Road,  
East Southsea, 18/11/13.

Sir,

On behalf of my wife, who wrote you a fortnight ago requesting you to forward her the £100, with interest, which you were minding for her, I request you to forward same to her at the above address on or before the 22nd inst., failing which I shall be compeled to take the usual course in order to secure the sum refered to, regardless of costs.

Yours, &c.,

G. SMITH.

POSTCARD from Smith to Mr. Burnham.

80 Kimberley Road,  
East Southsea, 24/11/13.

Sir,

In answer to your application regarding parentage, my mother was a Bus horse, my father a cabdriver, my sister a roughrider over the Arctic Regions. My brothers were all gallant sailors on a steam roller. This is the only information I can give to those who are not entitled to ask such questions contained in the letter I received on the 24th inst.

Your despised son-in-law,

G. SMITH.

POSTCARD from Smith to Mr. Burnham.

80 Kimberley Road,  
East Southsea, 27/11/13.

Sir,

. . . I do not know your next move . . . but take my advice and be very careful.

Yours, &c.,

G. SMITH.

# George Joseph Smith.

LETTER from Smith to Mr. Burnham.

80 Kimberley Road,  
East Southsea, 1/12/13.

Sir,

I have all the copies, &c., my wife and self sent to you, and yours. Also letters, &c., we have received relating to same and family affairs, which I intend to keep for the purpose of justice.

Yours,

G. J. SMITH.

POSTCARD from Smith to Mrs. Burnham, postmarked Blackpool, 9.45 p.m.,  
12th December, 1913.

16 Regent Road,  
Blackpool, 12th December.

Dear Ma,

Alice is very ill. I will wire you to-morrow.—Yours,  
GEORGE.

TELEGRAM from Smith to Mr. Burnham, handed in Blackpool, 11.30 a.m.,  
13th December, 1913. Received at Aston Clinton at 12.14 p.m.

Alice died last night in her bath. Letter following.

SMITH.

16 Regent Road,  
Blackpool, 13/12/13.

My Dear Mother-in-law,

After arriving here, Alice complained of pains in the head, and went to a doctor, who examined her and gave her treatment. Yesterday she again complained to me and the landlady of pains in the head, when she sent you and her sister a postcard, after which I took her for a walk, and she appeared better later on. I found she had made arrangements with the landlady for a bath. About twenty minutes after she had entered the bath I called out to her and got no answer, and, after acquainting the people in the house that something is wrong, and getting no answer, I entered the bathroom and found poor Alice with her head and shoulders under the water. The doctor who had previously attended her was sent for at my request to come, which he did. I held her head out of the water and let the water run off away from her. When the doctor came we lifted her out of the bath; he examined her and said, 'She is dead.' I then went to the police station and asked them to send an official to come to the house and take particulars, which they did. This is the greatest and most cruel shock that ever a man could have suffered. Words cannot describe my feelings. We were so happy together, which she has told all her friends in her letters to them. The people here have been very kind right through the whole time. The inquest will be held early next week. I will then write to you sending all further particulars. Can you tell me her age when she had rheumatic fever, and her age when she was in the Great Ormond Street Hospital?



# Appendix VI.

## APPENDIX VI.

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NEWSPAPER EXTRACTS SENT TO INSPECTOR WOOTTON OF THE  
AYLESBURY POLICE BY CHARLES BURNHAM.

(From a local paper—name not known.)

### BRIDE'S SUDDEN DEATH.

*Drowned after Seizure in a Hot Bath.*

Mrs. George Smith, of 80 Kimberley Road, Portsmouth, who was married only six weeks ago, died suddenly in a Blackpool boarding-house.

Her husband, giving evidence at the inquest on Saturday, said he was of independent means. He met his wife, who was a nurse, three months ago, and six weeks ago they were married. Last Wednesday they travelled to Blackpool and engaged rooms at 16 Regent Road.

During the journey his wife complained of headache, and, as she was not better on arrival, she saw a doctor. On Friday night she took a hot bath. She was a considerable time in the bath, and he called to her. There was no answer. He entered the bathroom and found his wife lying in the water dead.

Dr. Billing stated that a post-mortem showed that the heart was enlarged and affected. He concluded that the heat of the water had acted on the heart and caused either a fit or a faint, and in her helplessness she was drowned.

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(From the *News of the World*.)

### FOUND DEAD IN BATH.

*Bride's Tragic Fate on Day after Wedding.*

Particularly sad circumstances under which a bride of a day met her death were investigated at an Islington inquest on Margaret Elizabeth Lloyd, thirty-eight, wife of a land agent of Holloway. The husband said he was married to deceased at Bath. After travelling to London she complained of headache and giddiness, and he took her to a medical man, who prescribed for her. The following morning she said she felt much better, and during the day she went out shopping. At 7.30 she said she would have a bath, and she then appeared cheerful. A quarter of an hour later witness went out, and returned at a quarter past eight, expecting to see her in the sitting room. As she was not there he inquired of the landlady, and they went to the bathroom, which was in darkness. He lit the gas, and then found his wife under the water, the bath being three parts full. The next day witness found a letter amongst deceased's clothing, but there was nothing in it to suggest that she was likely to take her life.

Dr. Bates said death was due to asphyxia from drowning. Influenza, together with a hot bath, might have caused an attack of syncope. The enquiry was adjourned for the attendance of the landlady, who, it was said, had met with an accident.

# George Joseph Smith.

## APPENDIX VII.

### PARTICULARS OF SMITH'S CASH DEALINGS WITH BANKS, SOLICITORS, &c., *re* MUNDY MONEY.

Date.	Receipts.	Payments.	£ s. d.	£ s. d.
1912.				
Sep. 20	L. C. M. Tunbridge.		50 0 0	
" 23	"		63 17 4	
" 26	"		150 0 0	
Oct. 4		Lloyds Bank, Bris.		10 0 0
"		"		40 0 0
"		Cap. & Cts., Bris.		30 0 0
" 5	"		100 0 0	
" 5	"	"		51 0 0
" 7	"	"		10 0 0
" 10	"		30 0 0	
" 10		Lloyds, Bristol		10 0 0
" 10		Cap. & Cts., Bristol		10 0 0
" 14	"		9 0 0	
" 14		"		20 0 0
" 17		Wilts & Dst., Bristol		15 0 0
" 21		"		5 0 0
" 23		Cap. & Cts.		5 0 0
" 31		Salisbury, Solr.		45 8 5
Nov. 23	L. C. M. Bath.		200 0 0	
" 25	"		300 0 0	
" 25		Cap. & Cts.		110 0 0
" 25		Wilts & Dst. Brist.		110 0 0
" 26		Cap. & Cts.		30 0 0
" 26		Wilts & Dst. Brist.		30 0 0
" 26		Pomeroy, Solr.		126 11 7
" 27		Cap. & Cts. Brist.		25 0 0
" 27		Wilts & Dst.		25 0 0
" 29	"		300 0 0	
" 29		Cap. & Cts.		20 0 0
" 29		Wilts & Dst.		20 0 0
Dec. 2		Cap. & Cts. Bris.		30 0 0
" 2		Wilts & Dorset		30 0 0
" 3	L. C. & M. Bath.		100 0 0	
" 3		Cap. & Cts.		17 11 6
" 3		Wilts & Dorset		15 0 0
" 3		Wandsboro, Solr.		93 13 2
" 6	"		50 0 0	
" 6		Cap. & Cts.		25 0 0
" 6		Wilts & Dst. Bris.		25 0 0
" 10	"		20 0 0	

# Appendix VII.

PARTICULARS OF CASH DEALINGS WITH BANKS, &c.—*continued.*

Date.	Receipts.	Payments.	£ s. d.	£ s. d.
Dec. 11	L. C. & M. Bath.	• •	100 0 0	
" 12		Wilts & Dst.		30 0 0
" 17	"		10 0 0	
" 17		Cap. & Cts.		50 0 0
" 17		Wilts & Dst.		50 0 0
" 27		Cap. & Cts.		50 0 0
1913.				
Jan. 1		Wilts & Dst.		25 0 0
" 2	"		50 0 0	
" 4	"		100 0 0	
" 6		Wilts & Dst.		60 0 0
" 6		Cap. & Cts.		60 0 0
" 7	"		155 5 2	
" 8		Wilts & Dorset.		60 0 0
" 9	"		150 0 0	
" 9		Cap. & Cts.		60 0 0
" 11		"		20 0 0
" 13	"		100 0 0	
" 15		Cap. & Cts.		30 0 0
" 15		Wilts & Dst.		30 0 0
" 17	"		62 0 0	
" 18		Wilts & Dst.		20 0 0
" 18		Cap. & Cts.		20 0 0
" 20		Wilts & Dst.		15 0 0
" 22		Cap. & Cts.		30 0 0
" 24		"		30 0 0
" 27		"		32 10 6
" 28		Wilts & Dorset.		20 0 0
" 31	"		5 0 0	
Feb. 3		Cap. & Cts.		30 0 0
" 3		Wilts & Dst.		20 0 0
" 4		Cap. & Cts.		17 2 0
" 6		Barber, for house.		18 12 3
" 10	"		10 0 0	
" 19	"		10 0 0	
" 24		Cap. & Cts.		20 0 0
" 24		Deposit, Beech Rd.		10 0 0
" 24		" Brinland Av.		20 0 0
" 26	"		13 0 0	
Mar. 19	"		100 0 0	
" 20		Cap. & Cts.		40 0 0
" 20		Wilts & Dst.		50 0 0
" 25	"		165 12 6	
" 25		Cap. & Cts.		60 0 0
" 25		Wilts & Dst.		60 0 0
Apl. 14		Cap. & Cts.		20 0 0
" 14		Wilts & Dst.		10 0 0
" 29		Cap. & Cts.		12 10 0
July 2		"		11 0 0
" 22		"		12 10 0
			£2403 15 0	£2042 9 5

# George Joseph Smith.

## PARTICULARS OF PURCHASES OF HOUSE PROPERTY.

Date.	Property.	Page.	Solicitor for Smith.	Solicitor for Vendor.
31/10/12	30 Elton Road	1 & 4	Laxton & Co. (G. L. Bush)	Salisbury & Griffiths (F. J. White)
26/11/12	49 Cranbrook Road	1 & 5	"	J. Pomeroy
5/12/12	86 Ashley Down Rd.	1 & 6	"	Wandsboro (G. J. Jam)
6/2/13	31 Wolsey Road	1 & 7	"	Hobbs (C. Barber)
8/2/13	34 Beech Road	1 & 8	"	J. H. King
13/1/13	10 Zetland Road	122 & 9	"	Humphrey Phillips
14/2/13	81 Brinland Avenue	3 & 10	Jas. Pomeroy	Jas. Pomeroy

## SALES.

Date.	Address.	
1/8/13	34 Beech Road	Page 10. Bought by P. G. Davies
27/9/13	30 Elton Road	
	49 Cranbrook Road	Bought by Mr. Denning, Manager of Wilts & Dorset Bank, see statement, 23/2/15 (Bank Managers)
	86 Ashley Down Road	
	31 Wolsey Road	
	10 Zetland Road	
	81 Brinland Avenue.	

34 Beech Road.	Bought for	£180 0 0	Sold for £90
30 Elton Road.	"	420 0 0	
49 Cranbrook Road.	"	400 0 0	
86 Ashley Down Road.	"	215 0 0	Sold for £1365
31 Wolsey Road.	"	187 10 0	
10 Zetland Road.	"	575 0 0	
81 Brinland Avenue.	"	210 0 0	

Purchase Price, £2187 10s. 0d.

Sale Price, £1455.

# Appendix VIII.

## APPENDIX VIII.

### STATEMENTS re SAVINGS BANK ACCOUNTS.

Blythe Road Savings Bank Dept. G.P.O.  
17/3/15.

SYDNEY MITCHELL says—I produce receipt for "payment by telegraph" for £10, signed by F. W., dated 2nd July, 1908, from Savings Bank Book No. 18208a, Worthing. The money was paid at Camden Road.

I also produce receipt, dated 2nd July, 1908, for £20, from the same book, also paid at Camden Road. The book in this case has been destroyed.

I produce Miss Alice Burnham's Bank Book No. 4667a, East Southsea, and withdrawal notice, dated 17th October, 1913, for £27 10s. "and interest to close account," signed by Alice Burnham, together with warrant for £27 19s. 5d., signed by her, and dated 21st October.

I produce Savings Bank book of Miss Margaret Elizabeth Loffy, No. 3693, Woolcot Park, Bristol, notice of withdrawal dated 15th December, 1914, for £18 9s. 1d., and "interest to close account," requesting the money to be paid at Muswell Hill, together with warrant for the amount of £19 5s. 5d., signed by her, and dated 18th December, 1914.

I produce P.O. Savings Bank book of Alice Reavil, No. 1117, Hargor Road, Plumstead, with notice of withdrawal for £66 3s., "with interest to close account," dated 17th September, 1914, and warrant for withdrawal of £67 6s. 9d., paid to her against her signature on 21st September, 1914. The amount was paid out to her at Lavender Hill, and consisted of £50 in Bank of England notes—£10 notes, Nos. L/3, 84495-6-7-8, and £5, Nos. 82/a 17506, and 25660.

I produce Savings Bank Book No. 542, Church Road, Weston-super-Mare, in the name of George Joseph Smith, showing that on the 26th September, 1914, the account was opened with a deposit of £15. This was increased on 2nd October by a further deposit of £35.

The account was closed on 11th December, 1914. I produce application for withdrawal and warrant signed by Smith for the amount of £50 2s. 8d.

(N.B.—The receipts for the two deposits on this book were found at Smith's address, 102 Ashley Down Road, Bristol on the 23rd February by Inspector Cole.)

I produce P.O. Savings Bank Book No. 1801, New Bond Street, Bath, in the name of John Lloyd, Dalkeith House, Stanley Road, Bath, land agent, opened on the 8th December, 1914, with a deposit of £50. This account is still open, and there have been no withdrawals, so there is still £50 to his credit.

(N.B.—This book was found amongst prisoner's belongings at 14 Richmond Road, Shepherd's Bush, on the day of Smith's arrest.)

(Sgd.) S. MITCHELL.

[Taken by Inspector Neil.]

# George Joseph Smith.

## APPENDIX IX.

### COURT OF CRIMINAL APPEAL.

(Before the Lord Chief Justice, Mr. Justice Darling, and Mr. Justice Lush.)

29th July, 1915.

#### REX v. GEORGE JOSEPH SMITH.

MARSHALL HALL, K.C. (with him Montague Shearman and H. Grattan Bushe), for the appellant. Evidence of the death of Burnham and Lofto on dates subsequent to the death of Mundy, and of bigamous marriages with the two former, was inadmissible; without it there was no *prima facie* case against the appellant (*Makin v. A.G. of N.S.W.*, 1894, A.C. 57. Scrutton, J., held he was bound by *Ball*, 1911, A.C. 47). The principle in *Makin* is that some physical act must first be proved against the prisoner before evidence can be given of other matters in order to prove the nature of his act. The ground on which such evidence is admissible is to negative such a defence as mistake, or accident, or absence of criminal intent, and to prove *mens rea* (per Reading, C.J., in *Boyle and Marchant*, 1914, 3 K.B. 339, followed in *Perkins v. Jeffery*, 1915, 2 K.B. 702, by Avory, J.) The L.C.J. referred to *Christie*, 1914, A.C. 545. If the prisoner had given evidence suggesting Mundy's death was accidental, then the other evidence would have been admissible; the test is whether there is sufficient evidence of the crime charged to leave to the jury (*Baird*, 11 Cr. App. R. 186; *Gray*, 4 F. & F. 1102, was wrongly decided; Darling, J., *Gray* is approved by Herschell, C., in *Makin*). I accept the test, Is there *prima facie* evidence that the prisoner committed the act charged? (See Innes, J., 14 N.S.W. R., in *Makin*, citing *Hall*, 5 N.Z. L.R. 93.) The Crown insisted on its right to open the facts before any evidence was given. By the words "to rebut a defence which would otherwise be open to the accused," Herschell, C., in *Makin*, meant "open and adopted," i.e., set up by cross-examination or direct evidence. (Counsel referred to *Crippen*, 1911, 1 K.B. 149). *Francis*, L.R. 2 C.C.R. 128, is the nearest case. I admit evidence of motive and opportunity, but there was none of any physical fact. (The L.C.J. referred to *Mason*, 10 Cr.App.R. 169, and Lush, J., referred to *Geering*, 18 L.J.M.C. 215.) Evidence of surrounding circumstances, apart from the death, was inadmissible. The judge misdirected the jury as to the purpose with which the evidence was admitted. (The L.C.J.—I think he states the reason exactly.) Evidence of a solicitor and his clerk that the appellant had consulted them as to the legal effect of Mundy's settlement was improperly admitted (*Bullivant v. A.G. for Victoria*, 1901, A.C. 196; *Cox and Railton*, 14 Q.B.D. 153). It was privileged (Darling, J. In *Cox and Railton*, Grove, J., said, "The privilege is the client's, so it would be reasonable to say a criminal motive in the client would destroy it.") The question to Doctors Spilsbury and Willcox, "Would the death of any of these women be consistent with accident?" was for the jury. The judge suggested a new theory to the jury; that was misdirection. Caroline Thornhill's answer that a certain date was

## Appendix IX.

"after he had done his two years" prejudiced the jury. The judge commented improperly on the prisoner not having given evidence.

BODKIN (with him Travers Humphreys and Cecil Whiteley). Evidence of system is admissible without there being a *prima facie* case without it (per Windeyer, J., in *Makin*). There was here a *prima facie* case with regard to Mundy (Counsel went through the facts).

MARSHALL HALL did not reply.

The LORD CHIEF JUSTICE—The appellant was charged with the murder of Mundy; evidence was admitted to show that he murdered two other women at a later date (his lordship cited Herschell, C., in *Makin*). We need not consider whether such evidence would be admissible if apart from it there was no *prima facie* case. We are of opinion there was a case with regard to Mundy only, which the judge was bound to leave to the jury. The judge properly pointed out the use the jury could make of the evidence. Evidence of surrounding circumstances was properly admitted. Evidence as to communications between a prisoner and his solicitor is admissible if, as in this case, the prisoner consulted the solicitor how he could commit the offence, or if it was necessary or desirable to commit it (per Bovill, C.J., and Cockburn, C.J., in *Cox v. Railton*). The questions to Doctors Spilsbury and Willcox were hypothetical, and solicited the benefit of their skill as to facts they were asked to assume. It would have been better if the judge had not put forward a new theory, but it was not necessary that the exact method of drowning should be proved. We cannot think Caroline Thornhill's answer affected the jury's decision. The judge told them to disregard it. The appeal must be dismissed.

Solicitor for the appellant—W. P. Davies.